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SPEECH

CALIFORNIA STATE LIBRARY SEP 30 1909

OF THE

HON. J. LANCASTER BRENT,

DELIVERED

IN THE ASSEMBLY OF THE STATE OF CALIFORNIA, TUESDAY, MARCH 17, 1857.

CAL.

STENO-PHONOGRAPHICALLY REPORTED

BY CHARLES A. SUMNER.

SACRAMENTO:

B. B. REDDING & CO., PRINTERS.

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1857.

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Assembly Chamber,
Sacramento, March 25th, 1857.

Hon. J. Lancaster Brent:

Dear Sir—We, the undersigned, your friends, members of the Legislature, believing that the publication of your speech made in the House on the 17th inst., on the bill to provide revenue for the support of Government, would give as much satisfaction to the people of the State as it did to us to listen to it, most respectfully request a copy for publication.

Truly yours,

E. T. Beatty,	Geo. H. Rogers,	Phil. Moore,
A. P. K. Safford,	G. W. Patrick,	Andrew Inman,
S. M. Miles,	H. J. Morrison,	John C. Burch,
Jas. O'Neill,	E. M. Davidson,	C. Gilman,
Uriah Edwards,	P. H. Pierce,	M. Fuller,
M. Cassin,	H. Barret,	Thos. Jenkins,
Thos. H. Anderson,	T. M. Aull,	J. R. Underwood,
W. W. Caperton,	M. N. Mitchell,	Edward Hunter,
J. Hunt,	S. B. Wyman,	J. J. Kendrick,
Dan. Showalter,	Wm. Holden.	

Assembly Chamber,
Sacramento, March 26th, 1857.

Hon. G. H. Rogers, and others, Members of the Assembly:

Gentlemen—I acknowledge the receipt of your communication of the 25th ultimo, requesting for publication a copy of my speech delivered in this Chamber on the 17th ult.

I am the more readily induced to consent to your flattering request, by the consideration that it may not be deemed inappropriate that some of the reasons that influenced us to pass what is usually called the "Stamp Act," should be given to the public.

I herewith transmit you a copy of my remarks, as reported stenophonographically by Mr. Sumner.

Yours, respectfully,

J. Lancaster Brent.

SPEECH

OF

HON. J. LANCASTER BRENT.

The House having under consideration "An Act imposing certain Stamp Duties," Mr. BRENT rose and said:

MR. SPEAKER:

The principles upon which this bill is based have been attacked in various ways by the gentleman from Sacramento, (Mr. McKune,) and the gentleman from Yuba, (Mr. Swezy). The first objection which I shall proceed to consider, is one which has been stated by the gentleman from Sacramento. That gentleman assumes the proposition that this bill is constructed upon improper principles, for the reason as he alleges, that we already have a sufficient amount of revenue for the support of the government of this State. In the opinion of the gentleman from Sacramento the coffers of the State should be running over with money—the entire expense of our government defrayed, and a large surplus left in the Treasury of the State. If the gentleman from Sacramento had stated to the House the figures upon which he based his calculation—if that gentleman had done the Committee of Ways and Means the service of furnishing to them the figures upon which he founded so material a proposition, in regard to our State finances, it would have given me great pleasure to accord to him as much glory for his financial acumen and ability, as belongs to Christopher Columbus for the discovery of a new

world. I would do this the more readily because I apprehend that the members of this Legislature and the people of this State would be astounded to learn that under the existing revenue laws we have provisions more than adequate to meet all the expenses of our government. I repeat, sir, I give the gentleman from Sacramento all the credit which belongs to an original discoverer, for the revelation and enunciation of a proposition of this character, and I do this more particularly for the reason that he has not condescended to favor us with the figures upon which he based his statement. While asserting that there would be a surplus in the Treasury if our present revenue was properly collected, after defraying all the legitimate expenses of government, the gentleman failed to state to the House how it was that he proposed to reduce the expenses of government to that fabulous figure, whereby this surplus would arise. As a member of the Finance Committee, it has been my duty to examine into the anticipated revenue of this State, not in gross but in detail; and to look at the necessary expenditures, not in gross but in detail, and I shall not ask this House to take my judgment or assertion that the expenditures of the government largely exceed her revenue, but I shall endeavor to establish by figures and evidence based upon positive data, the declaration that this State is now organized in such a manner that its revenues are wholly inadequate to defray its expenses.

During the last seventh fiscal year, the State of California incurred no extraordinary expenditures—she neither undertook nor initiated any great work of internal improvement, nor did she launch out into extraordinary extravagance. By extraordinary extravagance, I mean any unusual extravagance. And yet, although we undertook no great work of internal improvement, though we incurred no unusual expenses, the deficit last year in the public Treasury amounted to the sum of $645,000 ! This statement is based upon the report of the financial officers of this State, and I do not ask you to assume that this deficiency exists upon my bare assertion. In the amount of revenue collected last year, there entered some extraordinary sums of money derived from other than legitimate sources, and yet, notwithstanding that fact, notwithstanding that there was a reduction in the ordinary expenses of the Government, notwithstanding that there was some economy used in the various branches of Government, the deficiency last year swelled to the amount of $645,000; and, in fact, Mr. Speaker, the deficit was greater than $645,000. The State was the loser last

year of the further sum of $88,000—that being the amount of interest which was not paid in the City of New York, and which is still unaccounted for in the Treasury. That amount should enter into the deficiency of the year, swelling it to $733,000—a deficiency which, I undertake to say, in view of our entire revenue system, is much greater than the revenue which, under our present laws, will be produced in the next fiscal year. As I before remarked, Mr. Speaker, I will make no assertion which I will not prove by the figures, and the figures sustain me in the declaration which I have made in reference to the expenditures which were made last year when some economy was used in the administration of the Government. Yes, sir, astounding as it may be, the fact is incontrovertible that the actual deficit of the last year was $730,000. Now, sir, what will be the deficit of the present fiscal year terminating on the 30th of June next? But the other day, the Executive branch of Government vetoed a civil appropriation bill passed by the two branches of the Legislature, upon the ground that the deficit which would exist on the 30th of June, and which was, as yet, unprovided for, would exceed the sum of $350,000. But large as the deficit of $350,000 is, it does not represent the correct deficit for the year. Upon the 1st of January last past, the State of California refused to pay Controller's warrants that had been drawn previous to that time—in other words, warrants that had been drawn during the first six months of the present fiscal year. Now, I take it upon myself to affirm, that the real deficiency for the present year will be over $600,000. Mr. Speaker, these are figures which I submit to the House. They are derived from official documents. These, sir, are not assertions unfounded and uncorroborated by the statistical data, but these are statements, the correctness of which is vouched for by the official reports, which have been issued from the various departments of our Government. Now I regret that the gentleman from Sacramento, (Mr. McKune,) in view of the fact of the deficit of last year was over $700,000, and that the inevitable deficit of the present year will exceed $600,000, I say, in view of these facts, I regret that the gentleman, when he made his discovery that our revenue was adequate to defray all our expenses, did not submit for the consideration of this Assembly the figures whereby he was enabled to demonstrate the fact that the expenditures of our Government could be reduced over $600,000 per annum. If that gentleman, sir, or any other gentleman

in this Assembly, will submit a plan to me whereby our expenditures for the present fiscal year may be reduced over $600,000, if he will demonstrate to me, as a practical man, that such a plan is entirely feasible, I will most cheerfully accord to him all the praise and honor which is due to an enlightened Legislator. I will abandon every system of taxation which has been introduced into this Legislature; aye, sir, I will go further, I will submit a proposition for the reduction of the taxes now levied upon all the real and personal property within this State. But, though the gentleman from Sacramento (Mr. McKune) made his assertion boldly, and although his assertion was agreed to by the gentleman from Yuba, (Mr. Swezy,) I repeat, neither of these gentlemen have done the House the service, or the Committee of Ways and Means the justice, of submitting the data which would prove that the deficit was so small or that the revenue was so great.

(Mr. McKune, upon leave, proceeded to give his proposed reductions in the expenses of the Government.)

Mr. Brent:—If, Mr. Speaker, anything had been necessary to convince me that the gentleman from Sacramento (Mr. McKune) was dealing in bare assertions, and not in carefully ascertained data, it has been afforded me by the statements which that gentleman has just made on the floor of the Assembly. He proposes to reduce the salaries of Clerks in the Controller's office from $13,000, to $2,000 per annum. Why, sir, we had better abolish the office at once. Does the gentleman propose to employ three Clerks in that Department, and pay all of them only $2,000?—or does he expect the business of the State of California to be properly carried on, and its servants at least economically compensated? So it is with the other calculations of the gentleman. Does he expect the Treasurer of State to remain forever at the vaults of the Treasury without a Clerk?—for he proposes in effect to abolish the entire clerical force in that Department. Why, the gentleman from Calaveras, (Mr. Watkins,)—the Nestor of this House, the Cerberus of the Treasury,—introduced a bill into this Assembly so explaining an Act reducing fees in office, as to allow the Clerks in the Treasury Department, during the term of Mr. English, to be salaried at the sum of $270 per month. Is it upon figures like these,—is it upon assertions like these, unsupported by any correct data,—that the gentleman from Sacramento, (Mr. McKune,) asserts that the revenue is more than adequate to defray the expenditures?

Sir, I propose, and the Committee of Ways and Means state in their report, that they propose to reduce the expenditures of the Government. We propose to reduce the expenditures over $300,000;—not blindly and rashly, like the gentleman from Sacramento, by depriving all of the Executive branches of the ability to perform their official duties;—but, upon mature consideration and deliberation, we propose to lop off certain excrescences, and reduce the governmental expenses some $300,000, lower than they have been since 1851, the second fiscal year of our Government. And hence, the Committee of Ways and Means, in coming forward and asking for other and farther sources of revenue, do not propose that the State shall madly reel on in the path of extravagance and profligacy which she has followed up to this stage of her existence; but they propose, by a healthy and legitimate reform, to render the governmental departments efficient in their operations, and at the same time to reduce the expenditures to such a reasonable standard as is proposed by my honorable friend from Tuolumne, (Mr. Patrick.)

Yet even if the figures of the gentleman from Sacramento were reasonable, still the reduction would not be $100,000. I recur to my former declaration, and reaffirm the statement made in the report of the Committee of Ways and Means, that the deficit for the ninth fiscal year will exceed $300,000, and I defy any investigation—I defy the production of any correct data, which will demonstrate that that calculation is other than eminently reasonable. It is perhaps lower than what the actual deficit will be. The gentleman from Sacramento has not intimated to this Legislature, what in his opinion will be the amount of the expenses of the Government. I will state for the information of this House, what, according to my estimate, will be the expenditures for the ninth fiscal year; and I will hazard the assertion, that the calculation which I shall submit is between three and four hundred thousand dollars less than has been appropriated for the expenses of the Government since the year 1852; and that, with reasonable desire to economize, the expenditures can be brought down to the figures which I propose, and the efficiency of the Government not impaired. I estimate the total expenses necessary for the payment of our officers and for the discharge of our other and proper liabilities for the next fiscal year, at the sum of $703,000. I have the data upon which I make this assertion, and to which I refer.

This calculation embraces the absolute necessary expenditures of the Government. It allows no margin for extravagance and profligacy, it provides for the discharge of liabilities which are none other than essentially necessary. But there is another expenditure not embraced within the *purview* of this calculation, which it is but proper and right that this Legislature should consider. There is such a thing as the honor and faith of the State of California, and it is our duty by every means in our power to seek to preserve, and maintain, that honor and faith. The people of the State of California, I sincerely believe, will so direct their Legislators, and so act, that the public debt will be speedily and honorably discharged; and if so it is proper for us to make provision, whereby the payment of the interest on that debt may be resumed without any difficulty. From the best information that we can have it is reasonable to believe that the interest due the first of July next, amounting to $124,000, will not be paid. The circumstances which attended the withdrawal of that amount of money from the Treasury, induce this as a fair and reasonable belief. Upon the first of January, there will also be due the sum of $124,000, and upon the first of July, 1858, there will be a farther interest sum of the same amount; and during the same period we shall have to discharge our liabilities to the School Fund, equal to $32,000 a year. The interest on these sums, if embraced in the aggregate of expenses contemplated, will swell the amount to near $200,000. It may be said that there is no interest to pay; but gentlemen, when they argue in that form, when they wish this Legislature to ignore the existence of this obligation, cannot consistently look to the payment of our debt and the discharge of our bonds. For my part, I believe that the people are true-hearted, and that they will unanimously vote for the resumption of the payment of the interest, and the preservation of the honor and faith of this State. I believe that the people look to the redemption of our faith, plighted in presence of the civilized world. For one, I look forward to the entire discharge of our State indebtedness, nor will I ever believe that the black flag of repudiation shall one day float in triumph over the battlements of our Capitol. No, sir: as a Legislator, I am prepared to make ample provision for the time when the people shall declare their will in the premises, so that there will be no obstacle to the execution of their wishes. I propose to collect revenue sufficient to enable the people to preserve the fair fame of the State, to keep our escutcheon untarnished and without a blot. If the people should determine

to repudiate—if, contrary to the sincere and honest expectation and belief which I entertain, they should decree that the interest upon the public debt should not be paid, still the money will be in the Treasury, subject to their appropriation when that sad and gloomy day shall come. Therefore, in answer to the argument of the gentleman from Sacramento, that there is no need of a farther revenue, I assert that every obligation which could rightfully act upon and guide the deliberations of a Legislature, should induce us to provide a revenue equal to nearly $1,200,000. Now, that being the established fact—and I take it upon myself to say that it is incontrovertible—we have the simple inquiry, where are we to get this revenue? We must, if we do our duty, raise an additional revenue of between three and four hundred thousand dollars. Where are we to get it? The gentleman from Sacramento has long led a crusade against the bonded interest. As the Law-Agent of the Federal Government, he has directed the appliances of that powerful party in a most unparalleled litigation.

He proposes that we should give the last blow to an interest which every State in the Union has fostered, and which must be fostered by us before we can boast a flourishing, independent, rich, and happy State. Sir, when the gentleman from Sacramento, or any other gentleman in this House, shall make an accurate estimate of the taxes paid upon real estate by the farmers in the agricultural districts of this State, by men who make their living by the sweat of their brow, toiling for the products of mother earth—when, I say, he shall have estimated the heavy taxes that have cramped and confined the operations and energies of this class of our citizens, he will not be disposed to add another mite, or throw another burden, no matter how small, upon this suffering interest. Especially will we be loth to do this, Sir, when we possess evidence incontrovertible to prove that another interest in this country, rich and powerful—another interest, which yields immense returns—totally escapes taxation. I sincerely hope that we shall indulge in no legislation for the protection of cash capital, crushing the farmer and the laboring man, in order that the capitalists and the bankers may still go free, even though they participate in all the benefits of our Government and its laws. I have attentively listened to the arguments of the gentleman from Sacramento and the gentleman from Yuba, both of whom made the assertion, that the property proposed to be reached by this Stamp Act was already taxed. And, Sir,

after having listened to them with all proper and due respect, I wish to say, that I have heard no argument which shook the conclusion which I had arrived at, after a minute examination into the subject, that the entire cash capital, the banking capital, and the capital employed in the importation of merchandise into this country, entirely escaped taxation. I re affirm, in the presence of this House, the statement, that the entire capital invested in the banking interest, in the systems of money loaning, and the importing of merchandize, escapes taxation, with few and trivial exceptions; and I am satisfied, that the assertion made by the gentleman to the contrary, should not be weighed by this House, except it be fortified by accurate figures and incontrovertible proof.

To substantiate my assertion, I appeal to the record of taxation in the city of San Francisco; not because I seek to increase the burden of taxation in that city; since I know that those tax-payers in that community, who do pay their assessments, as already made, are so cruelly burdened that they cannot bear increased taxation; but I refer to it for the purpose of doing justice to that portion of the wealthy class, who have heretofore escaped contribution, by requiring them to submit to a fair and equitable system of taxation.

The aggregate value of the personal property in the city of San Francisco, is assessed at about $4,100,000. Upon looking over the assessment roll of that city, it will be discovered that the bankers give about $600,000 as the cash capital upon which the banking system is conducted ! Now, Mr. Speaker, if we consider for a moment the other classes of personal property subject to taxation and payment of taxes in that city,—if we regard the opulence that is supposed to abound there,—if we take into consideration the seventy-two hundred thousand tons of vessels owned in the port of San Francisco, worth not less than $800,000, it is impossible for us to do otherwise than conclude, that there must be a large amount that escapes taxation. Now, it is reasonable to believe, in fact, we know it to be true, that that property which is visible, which is seen by the eye of the Assessor, is the only class of property which is taxed for its full value. The furniture in the houses, the horses and carriages, and the entire stock of the poor retail merchant, are liable to this species of strict taxation, whilst the cash capital employed in the various branches of business, being concealed in the vaults and safes of the banker and merchant, or invested in the

form of invoices, or bills of lading and bills of exchange, escapes the eye of the Assessor, and hence escapes taxation.

Why, sir, but the other day there passed through the Golden Gate, one of the most magnificent specimens of naval architecture that ever floated on the waters of any ocean. The clipper ship "Great Republic," pronounced to be, I know not with what truth, the largest vessel afloat, came into that port, bearing within her mighty bosom a cargo valued at not less than half a million of dollars, and she is now engaged in placing upon the wharves of San Francisco her entire cargo. In less than two weeks, she will have passed away, carrying, as her earnings for freight, upwards of $80,000; as it is reported that she brought five thousand tons of merchandize from the Atlantic States, which, at a charge of $16 or $18 per ton, will amount to about that sum. Now, if she be unable to carry away this immense sum—if she cannot collect it immediately,—yet she will leave it concealed in the vaults of our capitalists, or it will be remitted to her owners abroad in the form of bills of exchange, and be forever lost to this State. I propose, as a just and fair object of taxation the amount of freight money earned by that vessel, the owners of which have no identity with ourselves, and feel no interest in our welfare; who look upon us in no light of regard, except as offering a rich market, where they send their merchandize and make princely fortunes, and yet escape taxation. And yet the gentleman from Sacramento, and the gentleman from Yuba, assert that the principles upon which the proposed tax is based are incorrect!

Mr. Speaker, if sources of revenue like these are not to be touched, where, I ask, are we going to raise the money to carry on our State Government? Are we to revert to licensing? I perceive by the official report of the Treasurer of Sacramento, that an amount of the revenue of that city, equal to $51,000, is collected from licenses. If you take the pains to notice, you will see that the hackmen are furnished with license numbers,—and in a like manner, the draymen; and that in this way, those who have no capital, or who, at least, have but a small amount of capital, are burdened to the last extremity. Would the gentleman from Sacramento, representing as he does, a rich constituency, wish the State to oppressively tax the sons of labor, and permit the rich capitalists to go untouched? He has already stated to this House, that the farming interests of this State might be farther burdened with taxation if additional revenue be needed, instead of draw-

ing upon the rich sources of revenue upon which we have never pressed. The gentleman would take from the hands of toil, its hard earned fruits, in order that the money brokers may go free; in order that the profits of trade in this country may go out of the State of California untouched,—may go the Eastern cities, there to increase and multiply the luxuries of life—there to be converted into magnificent temples—into princely mansions and glittering equipages—into jewels that blazen and sparkle on the bosoms of their beauties! And all this, forsooth, because the laboring man, by an almost entire surrender of the products of his toil, can carry on the government of this State!

Sir, I repudiate such a principle as that. Such a doctrine, I hold up to public scorn and indignation as unjust and unholy. I assert that it is our duty to tax capital wherever we can find it, and to take from the shoulders of honest labor, upon which the honor, the prosperity and the perpetuity of our government depend, every possible burden of taxation, and place it upon the moneyed capitalists of the land. For one, I would be prepared, if reorganizing and reconstructing our revenue system, to abolish our license system, from which we have hitherto derived so considerable an income.

How is it right and proper that we should grind to earth, by taxes in the form of licenses, the lowly laboring man, while the rich broker, with untold thousands in his safe, escapes taxation to the amount of a dollar?

Now, Mr. Speaker, I will recur to another argument, to show that it is a necessary and legitimate deduction from facts that the capital in wholesale merchant and importing business in the city of San Francisco escapes taxation. I admit that the capital which is invested in the retail merchant business is taxed, since they have no excuse to offer to the Assessor—no means of evading his demand, as their stocks are offered to his personal inspection. But the wholesale merchant, who does not always take away from the bonded warehouse of the government his foreign goods, but sells them, subject to the import duty, escapes taxation, and the profits that are thereby acquired, are not entered on the Assessor's book. The extensive importing merchant, may keep goods and wares in his cellars in unbroken crates and cases. The Assessor enters the store and proposes to levy an assessment, when he is told that these are consigned goods not yet broken open,—and upon which, duty has already been paid at the Custom House, and therefore

they are exempt from taxation; and hence they escape the Assessor. In all rich and populous States, there is a proportion between capital invested in the wholesale, and capital invested in the retail business—a proportion equal to about 33⅓ per cent. That is to say, the capital invested in a commercial city in the retail business, is upon an average about a third of that which is invested in the wholesale business; as for instance, in the city of New York, which, although much larger and wealthier than the city of San Francisco, bears some resemblance, inasmuch as it is the great depot for the foreign trade of the country; while San Francisco is the depot for the trade of the Pacific coast. In that city, the amount of capital invested in the large commercial houses, the commission houses engaged in foreign trade, is about $41,000,000; while the amount of capital invested in the retail trade, dry goods, provisions, etc., is equal to about $14,600,000, being, as you will perceive, a little more than 33⅓ per cent. for the amount invested in the wholesale business.

But I will assume that 33⅓ per cent. is a fair proportion of the capital invested in the retail business considered relative to the amount of capital invested in the wholesale or foreign trade business of the city of San Francisco. Now our statistics show what the amount of foreign business must be. We have the Custom House returns all published, which clearly show that the amount of freight carried by the clipper fleet last year was $4,100,000. What then must have been the worth of the cargoes brought? it could not have been less than $25,000,000! Taking then $25,000,000 as the value of the foreign trade in the city of San Francisco, and adopting the proportion as heretofore given, we have employed in the retail business in that city, including the sales at auction, the sum of over $7,000,000, and yet we find that the amount of personal property returned in that city on the assessment roll is but $4,100,000! Now, these are figures, and this calculation demolishes the argument of the gentleman from Sacramento, who stated that the merchant employing a capital of $200,000 paid his taxes here, and when he sent abroad his money to meet bills of exchange paid an extra tax of $600. This demonstrates that he never investigated the practical working of our taxation system, or looked at the actual amount of property taxed, and that he put a case suggested by his own imagination, unsupported by reliable facts, and having no existence, but in his own imagination.

Now, Mr. Speaker, I have already intimated that in my opinion this is

nor a tax upon the laborer, not a tax upon the farmer. Suppose the farmer goes to the merchant and obtains credit for his groceries, clothes, or for such necessary articles as he needs in and about his house during the year. These things are generally bought on credit—a book account is opened between the parties, and hence the stamp duty does not touch the purchaser. The note for the settlement of his account rarely extends to $100, and if it is only $50, he escapes the tax. Where the account amounts to $100, and the tax is onerous, it can be avoided by writing two notes. To show the difference between the theory upon which this Stamp Act is based and the theory upon which other systems of taxation are framed, I beg leave to call the attention of the House to the fact that, practically, we exempt due bills, notes, &c., under a hundred dollars from taxation.

In the English Government there is a system somewhat different from the one proposed by us, and under that system the revenue derived from a tax upon property wholly exempted by our law is enormous. There, there is no discrimination in favor of the laborer. In that country, aristocratic wealth is the controlling power, and in its triumphal march, it keeps bound to its chariot wheels the suffering sons of toil, whose rights and privileges are held to be inferior to the claims of the capitalist. The Stamp Act, which was, and which I believe still is, in force in Great Britain, makes no such exemptions as are made in our bill. Notes less than five dollars are subject to a tax in England, and I hold in my hand a statement of how much tax small notes produce in that country. Bills of exchange, promissory notes, receipts, and discharges for sums of money, of whatever value, come under the operation of the Stamp Act in England; and that class of evidences of indebtedness which, in our bill, the one reported by the Committee of Ways and Means, we propose to exempt from taxation, yields a revenue in that country which amounts to $875,000. But we live under a different government. Although the gentleman from Sacramento does not wish to have capital taxed, yet as a Democratic people, recognizing the Democratic principle, we propose to tax only those instruments for the drafting and delivery of which large sums of money have been received, whilst we leave unburdened those instruments which the poorer classes are compelled to use in the ordinary transactions of life. We exempt from taxation a species of property inconsiderable in amount, yet which under a system of government differing from ours produces a revenue of $875,000.

Now, Mr. SPEAKER, as far as the miner is concerned, how is he affected by this tax? The great interest which the miner has in commerce is to be found in the price of goods sold to him in the diggings by the merchants; and the ability of the retailers to sell goods to him at a low price depends upon the terms they can obtain from the wholesale dealers. If the wholesale merchants, in giving credit, demand exorbitant rates of interest, which they will do if money is scarce, these exorbitant rates will enter into the price of the goods purchased by the retail dealer and sold by him to the miners. If money is plenty, and cheap, the rates of interest will be low, and the retail dealer can effect a purchase of goods without giving an exorbitant price for them, whereas, if the rates of interest are high when the wholesale dealer sells to the retail merchant, he exacts, if not cash, his note with a high rate of interest. Now, what is it that makes money cheap in this or any other country in the world? The answer, of course, is an abundance of money.

Now, if the money in the country is permitted to be subject, without restriction, to those influences which draw it abroad,—such as the payment of freight, charges, the payment of interest on debts due in foreign countries, the purchase of and payment for passenger tickets, or any other purpose,—it creates scarcity of money, and raises the price or interest of money, and the increased value of money enters into the price of the goods purchased by the retail dealer, and thus affects the miners delving in the streams and gorges of the mountains. Now, by the provisions of this Act, it is proposed to partially arrest the flow of money from the State of California. By detaining a certain per cent. of the money now sent away from the State, it is believed that the money can be kept within our borders, yielding a heavy revenue in the form of taxes paid into the Treasury. I submit to this House, that two or three hundred thousand dollars taken annually from aboard our steamers, as it effectually will be taken, under the operations of this law, before they leave the wharves of San Francisco upon their voyages to Panama, will have a material influence in lessening the price of money in our markets, and thus enable the wholesale dealer to extend longer and easier credits to the retail merchant, and in this manner will the miner receive a direct benefit from this tax upon capital.

But the miner who has brought his family here, and intends to make this his home, has nothing to do directly with commercial transactions. He draws no bills of exchange; he enters into no policies of insurance;

he makes no promissory notes—and thus he escapes taxation. He is a hardy son of toil: and while the capitalist may feel the burden of this tax, he enjoys the fruits of his toil unmolested, and escapes the obligations imposed by this law.

But perhaps the gentleman from Sacramento would have us license the workingman in such a form as would make him, and not the capitalist, provide the ways and means for the support of the Government. Sir, I assert most positively that the laborers of the country, the retail dealer, the retail merchant, the farmer and the miner, will escape taxation under this Act; while the burden will fall directly on the importing merchant—will fall directly upon the banker in the form of deductions and per-centages on his bills of exchange—and will fall upon the money loaner, who takes from the safe his money and endeavors to render it productive. Yes, sir, the burdens are taken from the laboring classes, and they rest upon that species of property holders who have hitherto escaped free, but who ought, in an especial manner, to bear the expenses of the Government.

But the gentleman from Sacramento—it had nearly escaped me—in the opening portion of his remarks, enunciated a proposition which, if true, would render our entire legislation on this subject nugatory and void. I understand him to advance this proposition: that inasmuch as this Stamp Act does not propose to tax property according to its value, the constitutional provision which requires all property to be taxed according to its value after previous assessment, would be violated, and this Act rendered of no effect. I so understand the gentleman. I do not wish to do him an injustice, and if I have mistaken his remarks, I stand ready to be corrected. The gentleman is silent, and I assume that the statement is correct. I should have supposed that the gentleman from Sacramento, being a member of the legal profession, would have referred to an adjudication of our Supreme Court, directly bearing upon the question under consideration.

In the case of The People *v.* Coleman, if I mistake not, the Supreme Court held that this constitutional provision applied to real estate alone—that it was in the nature of a restriction on the exercise of legislative power, and was not to be extended beyond the plain import of the language employed, and that, as far as a tax upon consigned goods is concerned, or a tax upon any other species of personal property was concerned, the constitutional prohibition did not apply. I would

further state that this bill has been drafted with that decision before the eyes of the author, in order that it might be so constructed as to prevent its coming in collision with that decision. And no Court, I undertake to say, will interfere to prevent the execution of this law after that decision, which was rendered after the matter had been discussed at length, and after profound deliberation. His Honor the Chief Justice, in his able and elaborate opinion, clearly and unequivocally declares principles which clearly establish the right of the Legislature to pass a Stamp Act. But, Mr. Speaker, the objections of the gentleman from Sacramento, if founded upon fact, would have no reference to this Act. The gentleman entirely misconceives and misapprehends the nature and principles of the bill which he attacks. This bill does not propose to tax property or capital when it is idle. The miser may gloat undisturbed over his millions, keeping them locked up in his coffers, and unless he seek to derive some privilege from our laws, unless under the protection of those laws which the Legislature frames, the Judiciary interprets, and the Executive executes, he endeavors to place his capital where it will be productive, yet at the same time secure from loss, unless he wishes these advantages, he is not taxed. His property is not taxed so long as it remains idle in his vaults, and hence it is that the gentleman totally misapprehends the principle upon which this bill is constructed. It is a tax upon the privilege of employing capital—it is a tax upon bills of exchange when profit is sought to be derived, and profit is always sought in drawing a bill of exchange. Why do our rich bankers draw upon the Eastern cities? They do so for the per-centage which they obtain from the purchaser. Do they not derive a profit equal to three per cent? That is what the Stamp Act proposes to tax, the profit on the bills of exchange to the extent of twenty cents on a hundred dollars, which is equivalent to a small per cent. upon the three per cent. exchange.

We propose to levy a tax then on the bills of exchange which are paid out of the country. We do not propose to tax the certificate of deposit of money which is left with a banker where no profit is sought to be derived from the deposit—but when a party wishes to employ money actively under the protection or our laws—when the rich capitalist wishes to send money here in order to derive two per cent. per month upon it instead of receiving the low rate of interest which obtain in the Atlantic States—we propose to levy on it a fair and equitable tax—a tax not

upon money lying idle in the bank, but upon capital actively employed and producing a heavy income. Hence I say this is not a direct tax upon capital, but it is a tax upon the privilege of employing a certain species of property in a productive manner. It is a privilege, sir, the protection of which has caused this State nearly the entire expenses of her government. What is the purpose of our organization if it is not to effect two objects? the protection of life and the protection of property? If foreign and domestic capitalists can actively employ their money, and thus employing it, can demand and receive the protection afforded by the government of this State, with its courts of law, its Judges, its police force, its jails and penitentiaries, and its various guards for the security of every species of property, if in their plans for the realization of immense fortunes, they can enjoy the entire benefits of this organization which has thus far been kept up by means of onerous taxes imposed upon the people who do not thus employ capital, who are engaged in other avocations—then I say it is no more than just, it is nothing more than what is due to the government of which we form a part, that these capitalists should pay for the rich franchise which they enjoy. That is the principle upon which this Stamp Act is constructed. The gentleman from Yuba with a degree of disingenuousness that might excite admiration, if not approbation, said that he deemed it highly improper to tax bills of exchange because the money was sent out of the country. He thought it was highly improper and unjust to tax passenger tickets, because passengers are compelled to pay the money for them and the rich steamship companies avoid taxation. Upon the very principles which the gentleman makes his attack, I as one of its advocates, am ready to risk the passage of the bill.

The very objections which are made to the bill, to my mind, offer the simplest and strongest evidence of the necessity for its passage. The exigencies of the times not only ask, but demand, the passage of a law of this character. Why, sir, what fairness and truth is there in the cry for the protection of the passengers for the Atlantic States? The majority of them, are those who have come among us, and dwelt with us for a few years, realizing in that space of time from our rich soil a competency, if not a fortune, and then take themselves and their families out of the country without contributing one dollar for the support of that government, under whose protection they have lived and grown rich. Is it right and just that every man, when he has gained sufficient in our mines to render

him independent for the balance of his days, should return to the Atlantic States, or to his home wherever it may be, freighted with gold, without contributing one dollar for the support of the government to which he owes every thing that he possesses? If that is the opinion of the members of this Assembly, and the people of this State, then this Stamp Act is wrong—then it never should be passed; but as one in favor of the bill, I am willing to advocate its passage for the very reasons which the gentleman from Yuba urges in opposition to it. For the very arguments which the gentleman has presented, I contend he should give us his support. The gentleman from Sacramento denied the statement made in the report of the Committee of Ways and Means, that the interest on foreign capital was remitted abroad in the form of bills of exchange. He did not do the House or the Committee of Ways and Means the justice of stating the basis of his denial. But he denied that it was true, in fact, that the interest on foreign capital was remitted abroad in the form of bills of exchange.

Mr. McKune.—Will the gentleman from Los Angeles allow me to correct him in his statement?

Mr. Brent.—Certainly.

Mr. McKune.—I said that it was not true that all the interest collected within the State from investments of foreign capital was sent out of the country by means of bills of exchange. A portion of this money—what portion I am not prepared to say, is retained within the State and invested by the agents of capitalists, and a part is sent out of the country in the form of coin and bullion, and a tax on bills of exchange will increase that proportion against the use of bills of exchange.

Mr. Brent.—I stand corrected as to the import of the remarks of the gentleman,—however, I would reiterate the assertion contained in the report of the Committee of Ways and Means, that the bulk of the interest on foreign capital is monthly remitted abroad. To become well apprized of the truth of this declaration, gentlemen have but to examine the treasure lists published upon the sailing of each steamer from the port of San Francisco. If they look, they will find some strange and foreign names in every list. The house of Pioche & Bayerque and Marzion & Co., and houses bearing other strange names, remit, semi-monthly, $20,000 or $30,000, more or less. Why, what is that money Mr. Speaker? It is interest money for the most part; it is the re-

turns of capital sent from capitalists in foreign countries which is transmitted to Paris, to blaze again amid the magnificent court of the Tuilleries or operate upon the Parisian Bourse, or to be invested in the great Credit Mobilier. It is the blood and vitals of this land transmitted abroad to enhance the luxury and promote the improvement of France. This is what we propose to tax; thus permitting the sons of toil, our own citizens, the men upon whose strong arms we rest our future prosperity, to permit them to go free. And, in asking this, we ask no injustice, because the figures show that this property otherwise escapes taxation. Take, for example, the great loaning houses of San Francisco, which loan annually an amount that must be calculated by milions. They are loaning agents; all that they have to do under the existing law, in order to escape taxation, is to borrow their capital; and thus $25,000,000 is employed in San Francisco and throughout the State. They loan money at a heavy rate of interest to all branches of trade—to our Navigation and Ditching Companies; and on the reception of their dividends, they remit it, in the form of bills of exchange, to New York or to some foreign country, without contributing one solitary cent for the support of that government which protects their capital, or for the relief of that burdened people who rendered its investment valuable.

I have thus, Mr. SPEAKER, in a somewhat discursive manner, gone over, as well as I can recollect, the arguments adduced against the passage of this bill. I have endeavored to show that we propose by this bill to tax capital, and capital alone. I have endeavored to show that this bill does not propose to tax capital uselessly, but simply to tax capital because we are in great need of money to discharge the high functions of Government. We propose to tax capital which otherwise escapes taxation. We have enacted and re-enacted tax laws for the purpose of placing under contribution this species of property, but we have thus far been baffled in all our attempts to effect it, and this is the only mode whereby it can be taxed, and by this mode it will be reached, and capital alone taxed, while the great industrial interests of the land will not be interfered with.

If any of the objections which were made against the passage of this bill have escaped me, I regret it. It seems to me that the principles proposed to be recognized by the imposition of a duty like that contemplated under this Act, is eminently just; so much so, that no good reason

can be urged against it. I believe that when the people come thoroughly to understand the principles upon which this Stamp Act is grounded,—when they understand that it obtains from capitalists what they justly owe to this Government, but what they have heretofore refused to pay,—when they notice that by the passage of this bill the great industrial interests of the land, which are now burdened with taxation, will be protected and fostered by keeping within the limits of this State large sums of money which would otherwise be carried abroad and lost to us forever,—I say I believe that when the people come to understand all this,—that people whom the gentleman from Calaveras, in a manner essentially all his own, characterizes as the bone and sinew democracy of the land,—they will commend us for our acts, they will appreciate our efforts to reform the Government, to destroy abuses, to reduce expenses, and to open new and untouched sources of revenue. The people will appreciate the efforts of this Legislature, to remove from the laboring man, from the farming interest, from the mining interest, and from every industrial interest of the land, the heavy burdens of taxation which are placed upon them in order to carry on the Government by placing a duty upon that species of property which has baffled all previous efforts of taxation. I believe that if we pass this bill, the people will ratify and confirm our action, and require all future Legislatures to carry out its provisions,—to amend, to modify, if necessary,—but never to repeal the law that we shall pass.

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INV. 1898.

THE

VETOES VETOED.

AN ADDRESS

TO THE

PEOPLE OF CALIFORNIA,

ON THE APPROACHING

GUBERNATORIAL ELECTION.

INCLUDING A REVIEW OF

THE VETO MESSAGES OF 1855.

BY BRUTUS.

JUNE, 1855.

To the People of the State of California:

Believing that the time has come in the history of this State and country when a stand is to be taken against hereditary power and offices for life, the undersigned, one of yourselves, considers it a privilege and duty to warn you of the danger.

The individual who now occupies the Executive chair of this State for the second term, is again in the field for a *third term!* This is notorious and openly proclaimed. Here we have the first instance in the history of our country, either in National or State administrations, under an organization such as ours, where a man who has been twice elected to the chief executive office, and filled the same for two terms, has had the hardihood to again proclaim himself a candidate for a third election.

Our present Executive, John Bigler, has therefore the unenviable distinction of being the first out of all the Executives of the thirty-one States of the Union and all the National Executives, who has shown himself capable of trampling under foot that hallowed, time honored usage which originated with the Father of his Country, and has been sacredly observed down to the present time.

It is true that neither the Constitution of the Union nor that of our own State prohibits a person from filling this office as often as he can be elected; but custom, more binding than law, invariable and long established, and founded in the soundest maxims of political wisdom, has settled it, *that no man can fill the office of Chief Executive of the Union, or of any of the States, for more than two consecutive terms.* This precedent was first established by Washington, from the strongest considerations of patriotism, which so eminently distin-

guished that character almost supernaturally gifted with greatness and goodness. During his administration there were many and almost irresistible inducements urging him to the formation of quite a different precedent. He was invited by the unanimous voice of the country, and importunities and solicitations of a character which required an incredible amount of moral courage to resist, were brought to bear upon him, for the purpose of inducing him to consent to serve as President during his life.

And when we consider the then infant and unsettled state of our country —that most persons believed that when the prestige of his name should be lost to the new government, the affection and veneration of the people would depart along with it—that many difficulties were beginning to crowd around us from abroad which would test the strength of the Union and the efficacy of the Constitution—that the last hope of freedom was staked upon our experiment of self government then just commencing its career—and that the plausible and persuasive argument was used, that he should continue in office only for the purpose of getting the government under good headway and fairly started in the great race of nations which lay before her—we are driven to the conclusion that those reasons must have been mighty, and that sagacity partaking indeed of the inspirations of Divinity, which could prevail on him to turn a deaf ear to all those solicitations and reasonings, and raising his eye from the pressing emergencies of the present, fix his intuitive gaze upon the distant future, and resolve to act for the immortality of freedom.

His penetrating intellect looked through the veil of the present far down into the vista of the future. He saw the effect which his example would exert upon coming ages—he remembered the maxim which history teaches, "that power is always stealing from the many to the few"—he knew that upon the ruins of the liberties of every free people upon the records of history, had been built up a splendid throne of monarchy and despotism—he reflected that the first step to such a throne was an Executive for life, and that the first step to an Executive for life, was an election of the same man for a number of successive terms, and he resolved rather than set so dangerous an example, to forego the pleasures of the present, deny the wishes of his best friends, and to act for the interests of his country for all time.

Viewing the matter in this light he came to the conclusion that it was dangerous for the Executive of a free people to fill that position longer than for two terms. He accordingly set the example, and it has ever since been invariably followed. Many of our wisest Statesmen, however, consider even this as too long by one term, and think the practice should limit the Executive to *one term.* This would seem, too, to be the better doctrine, for so long as the incumbent is eligible for a second term, and especially where his re-election is made the cri-

terion of the popularity of his administration, it will ever prove to be the case that the first term will be devoted to electioneering for the second, and the interests of the State will be thus sacrificed. This is human nature, and cannot be avoided.

Notwithstanding, however, the elevation of this example—its sacred and unbroken observance for now near seventy years throughout this entire Union, with universal and perfect accord by all parties and characters—that it is as firmly fixed in the practice of the nation as if it were one of the pillars of the Constitution—that such is the light in which the subject is viewed by the whole country, that one would suppose, to be suspected of harboring a thought to violate it, would bring the blush of shame to the cheek of any high minded, honorable man, as soon as to accuse him of treason or felony. Still, a man has been found in this the seventy-eighth year of the Independence of the United States, reckless enough, unprincipled enough, shameless enough, sufficiently mad with ambitious fearful throes, so forgetful of the honor of his State and kind, as to attempt to entice the people to violate in his person this sacred tenet in the text-book of the freeman — consecrated as it is by the veneration of seventy years of unremitted devotion—and that man is holding the highest office in the gift of a free people! Shame, shame upon humanity.

And why are we called upon to heap these dangerous, newly invented honors on this man? Who is he, and what is he, that he should claim such pre-eminence over his fellow-men? What has he done, more than a thousand others, that entitles him to this unusual and unprecedented honor, to the exclusion of all other good men? What charm is there about either his person or his career that should cause us to be willing to overthrow the landmarks of free government, because they are not extensive enough for his ambition? What right has he to the office of Governor of this State for life? Are there not other men as good, as great, as talented, in the State, who never yet held that position at all? And are all these to be set aside in order that John Bigler may monopolize the office for ever?

"Upon what meat does this our Cæsar feed that he has grown so great?"

Why, fellow citizens, until the assembling of the last Legislature there was scarcely a man in the State "so poor as do him reverence." It is true he has been elected Governor twice, but not upon his own popularity. He managed to get the nomination on both occasions by the most servile sycophancy and degrading duplicity, and on both occasions he ran far behind his ticket.

But now the cry is raised that he has been rendered popular by his *vetoes*. He has defeated *thirteen times* at one session of the Legislature the will of the representatives of the people, and hence, it is said, this new born love for him.

Now, let us examine a little into these magical vetoes, and see what credit he is justly entitled to for them:

In the first place, is it not strange that this sudden fit of vetoing should have seized him just at the latter end of an administration of four years? Why did he not commence this policy earlier, if it is so acceptable to the people? Why did he not stop some of the extravagancies of former years, which were much greater than those of the last session? Such conduct shows a man governed entirely by his impulses, his passions and prejudices—the freaks of the moment—rather than by cool judgment and honest purpose.

In the second place, how does it happen that he never commenced the use of this one-man power until at a session composed of men who were not his partizans—who did not belong *to his wing*, and could not be made tools of?

It is true he *did veto one bill* at the session of 1854—at the latter end of the sesssion, after he found that the Legislature would not elect his friend Broderick to the U. S. Senate. Does any man believe that the Deficiency Bill of 1854 would have been vetoed if Dave Broderick had been elected?

In the third place, how does it happen that not one solitary bill was vetoed in which his peculiar friends were interested?

These facts are worthy of being noted in considering the credit due for exercising this power, even although he may have stumbled on some correct vetoes.

Our moral philosophy teaches us that if a man do a good act with a bad motive, he is no more entitled to the credit of it than would the murderer who administers a healing medicine, conceiving it to be a deadly poison, be entitled to credit for curing the sick.

In the fourth place, the exercise of this extraordinary power *thirteen times* at one session of the Legislature is unprecedented, and an extravagant and tyrannical abuse of a salutary constitutional prerogative, never intended to be used except on great and trying emergencies.

The power has never been exercised by any State Executive more than six times during any one administration; and the greatest number of times that this power has been exercised by any Executive of the United States, has been ten times in the course of eight years. Here we have *thirteen vetoes* at a single session of the Legislature!

But let us examine these vetoes a little more closely and see what is their character?

Veto No. 1, *January* 30.

"An act requiring the Controller to audit certain bills of the members and officers of the present Legislature."

This bill provides that the warrants of the members and officers, to the

amount of $1,000 each, shall be paid in cash. The reasons given for vetoing it are:

1st. That there is no money in the Treasury, and that consequently it would weaken the confidence of the public in the ability of the State if these warrants should not be paid.

2d. That it would postpone other creditors to the members and officers of the Legislature.

The veto, however, states "*that if the money was in the Treasury it would give him pleasure to approve the bill.*"

The second point made could not therefore have been regarded as of much importance, and must only have been mentioned for *Buncombe.*

As to the first point, *that there was no money in the Treasury*, the Governor stated to the Legislature in his annual message at the commencement of the session, not one month previous to this veto, that there was over half a million of dollars in the Treasury, and as there had been no cause for paying it out since that time, it was the natural conclusion that it was still there.

At both the sessions of 1852 and 1853, he approved bills of precisely the same character without a murmur, and did not then think of the injury it would do the public credit.

How ridiculous the idea that the credit of the State would suffer by not redeeming these few thousands of warrants, when it is notorious that but few of all the warrants that have ever been issued by the State have been redeemed, and there is now outstanding, and was at the time he made this declaration, some two millions of State evidences of debt unredeemed!

But what is the true secret of the passage of this bill, and of its veto? *It is this.* The Legislature had every reason to believe there were moneys belonging to the State more than sufficient to pay thrice the amount of these warrants, and that these moneys, instead of being in the Treasury, were on deposit with bankers and brokers, who were using them as their own and for political purposes; they also knew that shortly after the assembling of the Legislature, these bankers and brokers had by a combination among themselves suddenly reduced the price of State Warrants from ten to twenty per cent., for the purpose of speculating on the members and officers of the Legislature. They thus knew that these establishments had for the base purposes of gain and to influence political action, in the first place, conspired to depreciate the evidences of State indebtedness, and then used the moneys of the State to buy them up. The object of this bill was to take a portion of this money out of the hands of these brokers, and apply it to the payment of the just claims against the State, and thus commence the system of cash payments in all the transactions of the States. The veto message of the Governor struggled to prevent this, for these

moneys were nearly all on deposit with his particular friends, Palmer, Cook & Co., and he did not wish to deprive them of the benefit of speculating on the moneys of the State, and of wielding them to affect legislative action. The Legislature, on the contrary, thought they were as much entitled to it as Palmer, Cook & Co., and so passed the bill over his veto.

The reasons for passing this bill were precisely the same as those which actuated Gen. Jackson in removing the deposits from the Bank of the United States in 1833, viz. *that they were being used for political party purposes, and were, besides, unsafe.* The practice of depositing the public moneys with banks, was by that long and tremendous struggle which convulsed the nation from centre to circumference, from 1830 to 1840, finally exploded, and the Democratic Independent Treasury established by the National Government. The principle applies as well to the States as to the General Government. The overthrow of this practice was one of the greatest triumphs of the Democratic party, and remains to this day as a landmark of party distinction. It is now, however, sought to be revived by the Executive of this State, and he even resorts to the extraordinary veto power to enable stock jobbers and banking houses to speculate upon the public moneys and use them to build up their own peculiar political interests.

Is it at all surprising that a man in possession of such a monied power, should be found capable of declaring himself a candidate for the gubernatorial chair for the *third term?* Is it at all surprising that he should presume on such a power to carry his ends? There is no doubt of the fact that money is all-powerful, but I trust it is neither too presumptuous nor too late to ask, if the time has arrived in this country, so early in its history, when the republic belongs to the highest bidder? when principles and honor and virtue and patriotism are to be weighed in the balance against gold? I know that history informs us there was a time in the grandest and freest of the ancient republics, when such was the case; but it was not until that great republic had withstood the shocks, the tempests and storms of seven centuries of existence. *We*, as yet, have little more than numbered our two-thirds of *one* century as an independent people.

Veto No. 2, *February* 10.

"An Act to provide for the payment of the salary of the County Judge of Sacramento County."

This was a mere local bill, was favored by the representatives of Sacramento county, and it was a gross abuse of the veto power thus to prevent the passage of a bill called for by the people of the county, and which could operate only on them who called for it. The veto of this bill appears worse from the fact that Judge Heard and Governor Bigler are known to be personally unfriendly.

The Governor pretends to find a constitutional objection, on the ground that the bill proposes to increase the salary of the Judge. The idea that the mere redemption of the warrants of the county should be construed into an increase of the salary is simply ridiculous.

Veto No. 3, *March* 7.

"An Act to create a Board of Supervisors for the County of Contra Costa, &c."

This also was a mere local bill, which should have been left to the representatives of the county. The veto, however, professes to find a constitutional objection, on the ground that the Legislature cannot name the members of the Board in the law. He quotes the 5th section of the 11th article of the Constitution, as follows: "The Legislature shall have power to provide for the election of a Board of Supervisors in each county," and contends that this clause requires that they should be elected by the people.

I would simply ask if the Legislature would not have had this power whether the Constitution had specifically given it or not? Most certainly they would have had the power to have created Boards of Supervisors in the counties; then the constitutional provision is altogether surplusage, and the Legislature can create Boards of Supervisors in any manner they may see proper, not inconsistent with the principles of the Constitution as established in some other provision than the one referred to in the veto.

The bill was called for by a peculiar emergency. It was not that there was any objection to having the people elect the Supervisors, but the time was so short before the expiration of the terms of the Board then acting, that an election could not be held, and this law was only intended to supply a temporary Board until an election could be properly held by the people.

Veto No. 4, *March* 22.

"An Act granting Abraham G. Kinsey the right to construct a toll-bridge across the American River at Negro Bar."

This bill was vetoed on the ground that it created a *corporation by special act*, and was consequently unconstitutional.

We are informed by the highest legal authority that in order to constitute a corporation there are *five incidents*, as follows:

"1st. Perpetual succession. 2d. To sue or be sued, implead or be impleaded, grant or receive by its corporate name, and do all other acts as a natural person. 3d. To purchase lands and hold them for the benefit of themselves and their successors. 4th. To have a common seal. 5th. To make bye-laws or private statutes for the government of the corporation. These five powers are inseparably incident to every corporation, *sole* as well as *aggregate*." See 1 Black. Com., 467.

That must indeed be a fervid imagination that could find all these powers and rights in the simple privilege of building a toll-bridge. But the 33d section of article 4th of the Constitution is referred to as bringing it within the meaning of the term *corporation*. Said section reads as follows:

"The term corporation as used in this article, shall be construed to include all associations and joint stock companies, having any of the powers or privileges of corporatinns not possessed by individuals or partnerships."

It is difficult to see how the right to construct a toll-bridge is a peculiar privilege of a corporation, and still more difficult to see how a single individual can be made to appear an association or joint stock company.

But admitting that the erection of a toll bridge is a privilege or power of a corporation, the Governor has violated the principle more than half a dozen times during the very session at which this veto was sent in.

He approved at the late session the following acts involving the samo principle:

1. "An act to extend the time for the construction of a Canal from the Tulare Lake to the San Joaquin River." Approved April 27, '55.

This act grants to certain parties the right and privilege of constructing this canal at such points as they may select. It also grants two hundred feet of land on each side of the canal to the parties. This canal is confirmed to the parties, their executors or assigns, for fifty years, with the right to charge toll.

2. "An act to extend the time for commencing the construction of certain Railroads." Approved April 25, '55.

Here are "corporate privileges" directly confirmed to certain associations or joint stock companies.

3. "An act to permit John J. Ellet to construct a canal across the overflowed land from Belmont to the Bay of San Francisco."

This act grants the privilege of collecting toll for ten years.

4. "An act to authorize the construction of a wharf at Half-moon Bay in San Francisco county." Approved May 7, '55.

This act grants to J. G. Ward this right, with one hundred and fifty feet of land on each side of such wharf for twenty-five years.

5. "An act granting to the Trustees of the San Diego and Gila Railroad two leagues of land, to aid in constructing said road." Approved April 30, '55.

Here are special privileges and emoluments directly granted to an association, and, according to the doctrine laid down in the veto, was unconstitutional.

6. "An act to authorize David N. Darlington, Isaiah Hanscom, and others whom they may associate with them, to build a wharf in Solano county." Approved Feb. 21, '55.

This act grants lands one hundred feet wide, from high tide to the end of the wharf in the City of Vallejo, with right to collect toll for twenty years.

7. "An act to authorize certain Chinese Companies to sell and convey certain real estate in the City of San Francisco." Approved April 30, '55.

This act impliedly confirms to these Chinese Companies a valuable tract of land in the heart of the City of San Francisco, besides being an instance of special legislation against which these veto messages disclaim so loudly.

In 1854, he signed the following acts establishing the same principle:

1. "Act to authorize A. H. Murdock and others to build a wharf at the town of Union, in Humboldt county." April 13, '54.

2. "Act authorizing Stephen K. Nurse to build a wharf in Solano county." May 13, '54.

3. "Act granting Joseph R. Beals and others the right to construct a toll bridge across the Pajaro river." May 13, '54.

4. "Act allowing James Golden to collect tolls on a certain road in Sierra county." May 15, '54.

5. "Act providing for the erection of a wharf at Santa Barbara." May 15, '54.

6. "Act authorizing John Caruthers to build and construct a turnpike or gravel road from Stockton to Sonora and Columbia." May 15, '54.

7. "Act to authorize Wm. Roberts and others to build a wharf at Bucksport in Humboldt county." May 15, '54.

In 1853, he approved the following acts of special legislation, and establishing the principle which he now pronounces unconstitutional:

1. "Act to authorize S. G. Whipple, J. T. Wendall and others, to build a wharf at Crescent City." May 17, '53.

2. "Act to amend an act authorizing Wm. Moody and Morgan Hart to build a wharf in Solano county." Feb. 24, '53.

3. "An act concerning legal and official notices.."

In 1852, he approved the following, to the same point:

1. "Act to provide for the inspection of flour." May 3.

2. "Act for appointment of a Guager in San Francisco." May 3.

3. "Act to authorize Jas. L. Freaner to construct a wagon road from the Sacramento Valley to Oregon." April 24, '52.

4. "Act to authorize the construction of a wagon road from Humboldt Bay to Sacramento Valley." April 28, '52.

5. "Act to provide for the construction of telegraph lines within the State.

This act grants to Oliver E. Allen and Clark Burnham, or their assigns, "corporate rights and privileges" for fifteen years.

6. "Act to incorporate the town of Oakland, and to provide for the construction of wharves thereat." May 4, '52.

This act grants away the entire water front of said city.

7. "Act for the erection of a powder magazine in San Francisco." April 27, '52.

B. F. Hailey is authorized to erect, and "corporate powers and privileges granted."

8. "Act to authorize Wm. Moody and Morgan Hart to build a wharf in Solano county." May 3, '52.

9. "Act to authorize Wm. Morehead, Thos. Palmer & Co. to collect tolls on a bridge across Trinity river." May 1, '52.

10. "Act to authorize Dennis Mooney to collect tolls on a ferry across Trinity river, or to substitute a toll bridge for same." May 1, '52.

All these acts heretofore approved by the Governor are equally as objectionable as the one vetoed above, and involve the same principle, which he now denounces, viz: *Special legislation, granting, what he calls, corporate privileges.*

What has wrought this mighty change in the spirit of his dream? I will tell you, fellow citizens. The acts now vetoed were advocated by and for the benefit of men, not the partizans of John Bigler and Dave Broderick, and herein lies the whole of their unconstitutionality and heinous character.

Veto No. 5, *March* 22.

"An act authorizing J. Buchalter and others to construct a wagon road from Corbitt's Inn to Cow and Calf Ranch in Mariposa county."

Veto No. 6, *March* 22.

"An act granting Ed. Dewitt and others the right to construct a toll bridge across Klamath river."

Veto No. 7, *March* 31.

"An act to authorize Caruthers and Stewart to use the waters of the Stanislaus river for manufacturing purposes."

Veto No. 8, *April* 2.

"An act to discharge the Board of War Examiners from further duties."

Veto No. 9, *April* 2.

"An act to authorize H. Henderson, John Dooling, R. Thompson and others to construct a wagon road from Eureka, in Nevada county, to the Truckee Meadows, east of the Sierra Nevada."

Veto No. 10, *April* 26.

"An act granting Geo. M. Hansom, John C. Fall and Elizabeth E. Nabb, the right to construct a suspension bridge over Feather river, above the Yuba."

Veto No. 11, *April* 30.

"An act annulling the State Prison contract."

Vetoes Nos. 5, 6, 7, 9 and 10, are based upon the same ground as Veto No. 4, viz: "*that they propose to grant the powers and privileges of corporations to associations or joint stock companies,*" and I refer to the answer to Veto No. 4 for the reply to all these.

Veto No. 8, I let pass, as it was simply on account of a clerical error in enrolling the bill, and it was well enough to have returned it for correction.

I would, in this connection, call your attention to the doctrine endeavored now to be established, for the first time, into the platform of the Democratic party, viz. *that it is unconstitutional and impolitic to improve the country by building bridges, roads, canals, wharves, &c.*, by private enterprise. The vetoes of the Governor take this ground, and assume that it is unconstitutional to grant to associations or individuals those powers. *Whilst he vetoed a bill which would have constructed a wagon road over the Sierra Nevada mountains, by private enterprise, without any cost whatever to the State, (see veto No. 9,) he approved*

a bill which appropriates out of the State treasury $105,000 *for the same purpose.*

Two-thirds of his vetoes are based upon the Federal doctrine that internal improvements should be effected by the government, and not individuals. A construction so utterly subversive of the rights of individuals, and tending so directly to the consolidation of all powers and privileges in the hands of government, never was intended by the framers of our Constitution.

This veto of the bill annulling the State Prison contract, has been made the great bug-bear by which the people are led to believe that John Bigler is *the* man, and *the only man*—that he has saved to the State $150,000 at a single swipe, &c., &c. Let them not be deceived. The end is not yet, and this veto at the end of the next Legislature may be found like the veto of the Deficiency bill in 1854, to have cost the State double the amount originally intended to have been appropaiated. The veto of the Deficiency bill of 1854 cost the State at least $100,000. *How?* you will ask, and *why?* Because the claims which in 1854 might have been satisfied by a comparatively small amount, in 1855 have swelled to nearly double their former size. Witness the law appropriating $17,000 to B. B. Redding, State Printer, and Kerr & Co., to indemnify them for interest on money borrowed to carry on the printing of the State. This bill was signed, without hesitation, by John Bigler—his friend, Redding, Editor of the State Journal, was interested.

At the time when the Lessee of the State Prison stepped forward and relieved the State of the expense of keeping the prisoners in 1852, the State was paying at the rate of one hundred thousand dollars per year for not more than fifty prisoners. At such rates, and they would have varied little from that, the cost of keeping the prisoners now on hand, viz. 300, to the State, would be $600,000. The Lessee has kept these prisoners now for three years, without any cost to the State, except $150,000, for building a portion of a prison, and has thus saved to the State at least one million of dollars. Whilst this service has been done the State by the Lessee, he has at the same time been himself impoverished by the contract. It is true the contract was voluntarily undertaken, and probably at the time it was thought by the Lessee to be valuable, but the State having failed to erect a sufficiently extensive and secure prison for the safe keeping of the prisoners, as was his understanding at the time the contract was taken, he has consequently been at many unforseen and unexpected losses. He now comes forward and says to the State, remunerate me for my losses, place me in the condition I was when I took upon myself this service, and I am satisfied. And surely it would appear that one who has saved so much to the State, as we have already shown, should be entitled to some little consideration. The amount which the law proposed to appropriate was little more than sufficient to liquidate the indebtedness incurred in consequence of the contract.

The veto of the Governor, however, all know, sprang purely and solely from political enmity. The time has been, and that not long since, when he would have sanctioned anything desired by Gen. Estell. I predict that this veto will cost the State double the amount proposed to be appropriated.

Veto No. 12, *April* 30.

"An Act supplementary to an Act providing for the sale of the interest of the State within the water line front of San Francisco."

The only objection urged against this bill, is, *that it is unnecessary.*

The bill provides that the Governor, Secretary of State and Controller, shall hereafter constitute the Board of State Land Commissioners, and shall perform all the duties required by law to be performed by the Board, *without compensation.* This bill thus rids the State of the salaries of the present members of that Board, amounting to some sixteen thousand dollars per annum, and requires other State officers to perform the duties. Still in the opinion of the Governor it was *unnecessary*—the curtailment of needless expenditures was unnecessary. One would suppose from the manner in which he rings the changes in his messages on "economy and retrenchment," that he would have been the last man to object to a law of this kind. Profession and practice, precept and example, however, are quite different things. Forgetting his position, that the Act was "*unnecessary, because all the lands lying within the city belonging to the State had already been disposed of,*" he subsequently in the same message states, "*that there is within the city of San Francisco a large amount of property belonging to the State which should be sold, and the proceeds paid into the State treasury.*"

In view of such weak and contradictory reasons, we must turn our attention elsewhere and see if we cannot find some other reasons, not made public, which induced this veto.

1st. This law removed from office his darling champions — Messrs. Hermance, O'Dougherty, Pickering, &c.

2d. It provides a check upon the State Treasurer, by constituting an agent who is to receive and pay over the money into the Treasury, and the Legislature will not hereafter find it so difficult a task to learn what has been received from that source, and the bankers and brokers will not have quite so good an opportunity of fingering the cash as heretofore without being found out in it.

3d. The Secretary of State and Controller, who constitute a majority of the new Board, are not presumed to be very favorable to trickery and corruption, and consequently were not reckoned among the friends of the Governor.

These were the true reasons for this veto.

Veto No. 13, (*after the adjournment.*)

In this case we have the rare phenomenon of a veto to the people, after the Legislature had adjourned. It is true that the message bears date as of the day of adjournment, and is addressed to the Legislature, but it was never sent to them. This was Veto No. 2 of an act to annul the State Prison contract. It gave the Lessee the privilege of going into a court of justice, and there proving to the satisfaction of a jury his rights and losses. But even this poor privilege was considered too much to be allowed the man who had thrown his influence to defeat the election of Broderick to the Senate.

This ends our review of these *vetoes*, which, it is said, have made John Bigler so popular. I have stated the case of each fairly, giving the objections which he has urged with impartiality; and I wish now to ask, if there is any thing in the motives which prompted them, in the principles set forth in them, or in their beneficial results upon the country, which should give glory to any man? Do they not rather redound to his dishonor, seeing that they contradict the whole tenor of his previous course—that there are the strongest circumstances to show that they were prompted, not by a conscientious regard for duty, but by private pique and personal ambition—that they display an unaccountable ignorance of the principles of government, law, and the constitution—that they show a want of judgment, an impulsiveness of passion, and a wayward sporting with the dearest interests of society and dictates of honor, entirely unbecoming in the head of a free and magnanimous people.

Had a man, who could have commanded the confidence and respect of the public and our Legislatures, been at the head of your affairs for the last four years, how different now might have been the aspect of things!

Many professions have been made by him of economy, retrenchment and reform, and it is pretended by his partizans that he has almost entirely relieved the State of debt. A simple statement of the facts taken from the reports of the Controller of State, will disabuse your minds on this subject.

The amount of our civil debt at the time he came into power in 1852, was $712,268 84. It is now $2,520,204 80. This will serve to show in what manner his professions and practice go together, if the annually increasing burdens of taxation which you are compelled to bear, did not teach you by still more convincing arguments the reliance to be placed on such pretensions.

Governor Bigler has always professed to be a great friend of the settlers. How do these professions comport with his approval of the Act at the late session, which extends the time for the commencement of actions for the recovery of lands, *five years longer*, just a few days before the limitation fixed by the Act of 1850 expired?

Let the settlers upon the public lands, or Spanish grants, consider well before they throw their influence for this man a *third time* for Governor.

Read the "Act amendatory of the Act defining the time for the commencement of Civil Actions," approved April 13, 1855.

There are many other subjects which I should desire to touch if the length of this address did not forbid it. Such for instance as his sanction of the bill at the last session of the Legislature for the creation of three new judicial districts, against the expressed wishes of the people of at least one of those districts—but the main object of this address has already been fully placed before you, and it is already too long.

I shall therefore, in conclusion, content myself with simply expressing the hope that California, the youngest of the Union, will not be the first to give the dangerous example of the *third term principle*, and that the Democracy in the election of Delegates to their State Convention, now near at hand, will be true to their own fame, the fame of their State, and the principles of human freedom.

June 7, 1855. BRUTUS.

SPEECH

OF

[Matthew]

HON. M. CANAVAN,

OF SAN FRANCISCO,

IN THE

Assembly Chamber of the State of California,

ON THE

MORTGAGE TAX BILL.

SACRAMENTO:

D. W. GELWICKS, STATE PRINTER,

1868.

25,120

INV. 1898.

SPEECH

OF

HON. M. CANAVAN,

OF SAN FRANCISCO,

IN THE

Assembly Chamber of the State of California,

ON THE

MORTGAGE TAX BILL.

D. W. GELWICKS.....STATE PRINTER.

SPEECH OF MR. CANAVAN.

Mr. CANAVAN—Mr. Speaker: The consideration of the question of taxation is one of great importance to the people of every community; how to lay on its burdens with a just and even hand is the problem that all our statesmen, who have given their attention to the financial affairs of the country, have been and are now endeavoring to solve. The great difficulties that we find in equalizing taxation produces the result that we see here—a disposition to change the Revenue Law. It is nothing new; it has been so in the past and it is certain to be so in the future. For the purpose of guarding against any unfair or partial legislation on this subject, the framers of our Constitution, in their wisdom, made it imperative on the law-making power of the State, to tax all kinds of real and personal property exactly alike. By that means they have partially provided against the danger resulting from the disposition we usually find in the law-making power to legislate with reference to the Revenue Law.

Mr. MAHON (to a point of order)—The gentleman is discussing the merits of the bill, and not the amendment before the House.

The point of order was overruled.

Mr. CANAVAN—The gentleman from San Francisco need not have interrupted me. The whole pith of the matter lies in the amendments offered by the gentleman from El Dorado (Mr. Willets). But sir, there appears to be an indisposition on the part of the friends of this measure to have the merits of this bill discussed.

Fortunately for us, the Supreme Court has the power, under the Constitution, to check unfair legislation on the subject. I will leave to the legal gentlemen on this floor—so far as it is possible in the nature of the case—the discussion of the law points involved. We expect to hear from them on this subject arguments that will be instructive and to the point. I am satisfied, sir, that we have lawyers in this body who can and will enlighten us on this subject; they will not, they cannot sit here silently while the action of the Supreme Court and the Constitution itself are nullified.

Let us, Mr. Speaker, look at this matter in a straightforward business way. The gentlemen who are urging the passage of this bill insist that it is a just measure, and that it will benefit the poor man. They cite supposed cases of extreme hardship from, as they say, double taxation.

They dress up their cases in pamphlets and flood our desks with them, hoping by that means to create a favorable impression on the minds of members before the discussion and consideration of the subject comes up in regular order; and by that means they have induced members to commit themselves to the support of a measure that otherwise they would oppose. In the first place, Mr. Speaker, the Constitution makes it the duty of the Legislature to tax all private property, real or personal, alike. It is our duty to see that by no unfair or partial legislation we permit any property to escape taxation, for it is plain that to the extent that one class of property escapes taxation all the property that is taxed is overtaxed. If we remit the tax on mortgages, which the Supreme Court in the case of The People vs McCreery have decided is property, and which is a great source of revenue, we must raise from other sources the amount to make up the difference. There is only one way to raise it—by increased taxation on all other property. It is plainly the interest of every taxpayer in the State that this bill should not pass. It will benefit the usurers alone, and they and their agents are here urging its passage. Let us examine their motives. It is claimed, first, that the borrower pays taxes on his property to the full value, although it is incumbered. That is true, and it seems to me that that is a hardship; but, Mr. Speaker, this is not the way to remedy the evil. If it is possible to pass any law to reach the case, it will have to be such a bill as the gentleman from Amador (Mr. Gregory) has introduced, a bill to exempt real estate from taxation to the amount for which it is mortgaged. Such a bill, if it can become a law constitutionally, would meet with general favor; if it cannot, I cannot see how this one can do so constitutionally. It is claimed, secondly, that he may be taxed for the money he borrowed as well as for the land that is security for its payment. That argument, sir, is fallacious. If there is a man in this State who is so short-sighted as to pay interest on money for the purpose of laying it away that the Assessor may tax it, then, sir, there is but little probability of that man paying taxes for any great length of time. Such a course would impoverish the wealthiest individual in the community. When a man borrows money he wants to use it, either to pay his debts or to acquire property; if he pays his debts, the money passes out of his hands at once and he is not taxed for it; if he buys property with the money, he will have to pay taxes for it, of course. Why should he not? The property always did pay taxes, and there is no reason why it should be exempt now. No man ought to borrow money and buy land with it, if he does not think he can afford to pay the taxes on it. The only way to relieve the borrower is to remit the tax on property to the amount of the incumbrances thereon. It is charged by the money lenders and their agents, who are here urging this measure, that though the Supreme Court has said that the lender——

Mr. PAPY (to a point of order)—The gentleman from San Francisco is talking about agents. I don't know any.

The point of order was overruled.

Mr. CANAVAN—The honorable gentlemen need not squirm. I don't charge him with anything. If he don't know anything he need not say anything.

It is charged that, though the Supreme Court has said that the mortgagee must pay the tax, they can cheat the borrower out of the tax by a provision to that effect in their mortgages. That may be so—it is so, so far as the money lenders can make it. It is certain that of the one million eight hundred thousand dollars that is due to the city of San

Francisco, there is not one twentieth part of it that will ever reach the hands of the needy borrower. And admitting that each one of them should get back from the parties all the money that is due them, it would result in injury to them in the end. Nineteen out of twenty who borrowed money on mortgage since eighteen hundred and fifty-seven have paid it back and the mortgages are cancelled. Remit the tax on mortgages and the property that they now hold will have to be taxed to the extent that we remit the tax on any property whatever. Let the amount of delinquent tax on mortgages be paid and it will reduce taxation in the City and County of San Franciscon ninety cents on the one hundred dollars. Why, sir, no measure has been brought forward at this session so detrimental to the best interests of the people as this, and its defeat, in my judgment, would be hailed with joy by all right thinking men. And yet we find men who have nothing in common with usurers making common cause with them, defending their course and promoting their peculiar interests. It appears strange to me that any one outside of their own business would desire to favor the money lender more than any other class of the community—the men who live by their per cent., who grow rich and are protected by a Government that they would not pay a cent to support, if this bill passes. They can, sir, if there is danger of disaster, take their easy gotten gains and leave the State on very short notice; they have nothing to bind them to us, and are not of that class of people to encounter unnecessary trouble. I have no desire to do any man an injury because he owns money and loans it at interest, but I do not wish to see him favored at the expense of every other taxpayer.

In the arguments that are urged in favor of this bill, there is great stress laid on the fact that it is possible to prove that property or money, which is the same as far as tax is concerned, may, as the law stands, be taxed more than once in the same year. I admit it, and assert at the same time that this bill is no cure for the evil. Let us take the law as it stands. I owe five thousand dollars, and sell a house for that sum; the money is taxed in my hands; when I pay my debt it may be taxed again, and so on indefinitely. Of course, every business man knows such cases are rare; but they are more likely to occur than such cases as are cited by the advocates of this measure as terrible examples. The fact is, sir, that the Assessors are not likely to follow money that is either paid or borrowed; and if they do so, how does the passage of this bill help the sufferers? This bill does not propose to provide how double taxation is to be avoided in the future. It simply asks us to remit the tax owing and unpaid on mortgages.

These men say it is unjust to tax a mortgage. Now let us see where the injustice is. Let us take a case. Take notice, sir, this is the rule, and not the exception. A man comes here and brings with him one hundred thousand dollars, or a man who lives here becomes possessed of that amount in coin. It is all the same, so far as we are concerned. If he keeps the money in his safe he pays taxes on it; if he buys real estate, he pays taxes on that; if he loans money on a note, he pays taxes on that; but if this bill becomes a law, he can loan money on a mortgage, and thereby avoid taxation altogether, though he has the best security for his money, and though it is paying better than if he had invested it in any other way. Now, I ask, sir, is that man not as rich as he was before he loaned the money? Has he divested himself of anything by making a profitable investment? If he has, I confess that I am at fault in my deductions. Is he not better able to pay tax than if he had the money idle?

There are some kind-hearted members in this house who have been induced to support this bill by such arguments as these: "We had better repeal this law; the money lender is bound to make so much interest, clear of all tax and charges, and the needy borrower has to pay it after all." This is not true of money any more than any other commodity in the market. The price is regulated by supply and demand, just as wheat and potatoes are. If the demand for money is great, interest will go up. If money is very plentiful in the market, interest will go down, of course. Remember, too, that the borrower can only afford to pay so much for money; that has been demonstrated time and again by those who have given the subject attention. If the lender asks too much, the borrower refuses to take it; it is no difference to him whether it is called interest or tax. As well might you remit the tax on tenement houses for the purpose of helping the poor tenant. We might say that the landlord charges the rent and the tax added. The truth is, the landlord, like the money loaner, gets every cent their tenants can pay. If the house costs the tenant more than he can afford to pay, he cannot take it. If the money costs the would-be borrower more than he can pay, then he cannot take it; then the capitalist loses the interest that he might otherwise get for his money, and he is also paying tax on it, though it is idle. This, sir, will soon force him to either invest his money or loan it at such interest as the borrower can afford to pay.

Mr. Speaker, the manner in which this question is treated and spoken of would lead one who did not know to the contrary to believe that the great mass of the people of San Francisco are borrowing money and paying interest. That, sir, is a mistake. The great mass of the people do not mortgage their property, yet the great mass of the people of the whole State are deeply interested in our proceedings. We ought to give these people some consideration, and not throw away all our sympathies on soulless corporations and individuals who are not much better.

It is plain to me this bill ought not to pass. It would be unfair and unwise to exempt mortgages from taxation. They are a profitable investment, and the only manner in which the owner of the investment can be reached for the purpose of taxation is through the mortgage itself. The evil complained of must be reached in another way. The Supreme Court have intimated, in the case of The People vs. McCreery, that property should not be taxed for any more than it is worth, over and above all incumbrances. Proper legislation—or an amendment to the Constitution, if that is thought necessary—should be had for that purpose.

In conclusion, I have this to say, that while the tax on mortgages have been generally paid all over the State by those who do not shirk the responsibility of supporting the Government under which we live, the usurers have, according to their own showing, collected the tax from the borrower for years past, and, after having let the money out at interest, they now modestly ask that we donate to them the whole amount of principal and interest. If that is done, sir, then justice demands that we pass a relief bill for the benefit of those who have paid taxes on mortgages since eighteen hundred and fifty-seven. Let them prove up their claims against the State and county, and we should make such claims receivable for taxes.

BEFORE THE SENATE COMMITTEE ON MILITARY AFFAIRS.

REMARKS

OF

EUGENE CASSERLY,

OF CALIFORNIA,

ON THE HOUSE BILL

FOR THE

CESSION TO THE CENTRAL PACIFIC RAILROAD COMPANY, OF CALIFORNIA,

OF

ONE HALF OF GOAT ISLAND,

IN THE HARBOR OF SAN FRANCISCO.

WASHINGTON, D. C.:
McGILL & WITHEROW, PRINTERS AND STEREOTYPERS.
1873.

REMARKS, &c.

Before the Military Committee of the Senate, Tuesday night, *February* 11, 1872. Present of the committee, the chairman, Gen. LOGAN, and Messrs. MORRILL, BLAIR, and WEST; also of the opponents of the bill, Senators COLE and CASSERLY, and Hon. D. C. MCRUER, of California.

After disposing of several other bills, the hour of 8 having arrived, the Goat Island bill was taken up. Mr. CASSERLY's application, made at the last previous meeting of the committee, to be heard on the bill, and to lay maps and papers before the committee, was granted, his remarks to be confined, if possible, to an hour. Among other things, he spoke as follows:

SAN FRANCISCO NO ENEMY OF RAILROADS.

1. San Francisco was not warring on the railroad, as had been studiously represented throughout by the advocates of the bill. She had too much sense, commercial and otherwise, for that. From the first she had been the friend of railroads as far as ever she could. In nearly forty subsidies, provided for by the statutes of California, she stood among the first in time, and far the first in amount. She favored a grant to the railroad of 300 acres at Mission Bay, for terminal depot and grounds, about two miles from her business centre; but the Legislature gave sixty acres there, upon the water front, a grant of immense value.

SAN FRANCISCO ONLY TOO YIELDING.

If San Francisco and her business men had erred at all, it was in carrying too far the commercial instinct of bearing almost anything rather than break with a great company, which, as we are told by its president, Mr. Stanford, represents a hundred and fifty millions of property, and which controls all the transportation, by land and water, within the State and across the continent, and a large share of that by steam on the Pacific ocean. She and they had for years put up with wrongs, compared to which all that are charged against the great railroad men of the East are as nothing. She and they never resisted until long after patience had ceased to be a virtue, and when it had become almost suicide.

She and they, and the speaker (Mr. CASSERLY) also, would infinitely prefer to see the railroad company use its great powers for the general good, in the same liberal spirit in which the nation had endowed the company. All would then gladly join hands to sustain it. Was it too much to require this?

HARBOR DUES, CHARGES, &C.

2. The outcry over harbor dues and charges on commerce at San Francisco, as though she was in fault, was merely for effect. These were the fruit of State laws, made against the views of the best men in San Francisco.

As Mr. MCRUER had shown, they had been greatly reduced, so as to leave them less to-day at San Francisco than they are at other first-class ports, Boston for instance. He (Mr. C.) hoped and believed they would soon be abolished outright.

The facts as to these dues and charges and other charges at San Francisco had been grossly exaggerated or wholly misrepresented. Mr. Stanford had told the committee the old story of San Francisco levying two dollars a ton on all freight landed at her wharves. This was the standing argument of the company, but there was little or nothing in it. Mr. S. had given no particulars, doubtless because he could not. He (Mr. S.) had talked of wharf charges, but these were but 6¼ cents a ton for hauling over the wharf, and the same when the goods are left on the wharf not exceeding a week. The previous charges were but double these. He (Mr. S.) referred also to the charges of warehousemen and middlemen. Such charges could only be made by the warehouse where the owner of the goods, for any cause, sent them into warehouse on their arrival; a thing constantly occurring in commerce. They were not excessive at San Francisco, and could not be while so many fine warehouses were contending for business. As to middlemen, he (Mr. C.) had not the least objection to seeing them wholly done away with. They had always existed, however, whether by the name of factors, brokers, or otherwise, as a class of men whose knowledge of the markets and of business enabled them to sell to the best advantage, and whose capital enabled them to

make advances to the producer at all periods of the year.

Mr. Stanford had not shown in what way all this was to be changed for the better by the bill; or in what way all charges for wharfage and warehousing, for cartage and ferriage, for advances on products, were thus to be abolished in spite of the laws of finance and business. He had not shown this, for he could not show it, nor could any one. From a sad experience of the company, we know all such charges would be greatly increased, under the convenient cover of one or more lumping charges, which is now the company's practice; as Mr. McRUER has shown by the letter of the leading house of A. A. Low and Bros., in regard to teas imported by way of San Francisco and the Central Pacific road. "All charges," say those gentlemen, "are included in the freight."

Give Goat Island to the railroad company, and with it the control of the commerce of the port. You do not mend matters so: you make them worse. The dues and tolls on wharves and commerce, the charges of warehousemen and middlemen, would not be abolished; not even reduced. The only difference would be, that you would have, instead of many competitors for business, but one huge toll-gatherer, wharfinger, warehouseman, and middleman, without any competitor—the Central Pacific Company, which is already the worst toll-taker on freights and business the State ever saw. At Goat Island, wharves, warehouses, trucking, and ferries will cost much money, as they do everywhere; and this cost, with heavy profits, will be wrung out of the people in some shape by a giant monopoly.

A STRICT MONOPOLY.

The bill creates the worst sort of a monopoly in the company. All other railroad companies are practically excluded from the island, except upon terms to be ordained by the Central Pacific Company. Neither they nor any private person can, on any terms, run a ferry to the island, unless the company chooses. No one can resort there for any business whatever of passengers or freighters, except by the good will and pleasure of the company. No warehouse business can be carried on there by anybody but the company, as there might be if the company was left at Oakland. The company's right on Goat Island will be a strict monopoly in its supreme discretion, such as exists nowhere else in the United States.

MISSTATEMENTS OF THE ADVOCATES OF THE BILL.

3. He (Mr. CASSERLY) was restrained by the absence of Messrs. Stanford and Huntington in speaking of all their many amazing misstatements as they deserved. He would mention here but a few, as showing how unreliable these gentlemen were throughout.

Thus, Mr. Stanford had denied the existence of a Credit Mobilier in his company.

There was one; and the speaker here exhibited the sworn complaint in the suit of Brannan, a well-known wealthy citizen of San Francisco, and others, for an account of profits. The company never dared to bring the suit to trial, and compromised by buying up the plaintiff's stock at seven to eight times the par value. For 646 shares, of a par value of $64,600, it paid $500,000.*

SAN FRANCISCO NOT UNWILLING THAT THE RAILROAD SHOULD HAVE ALSO A SHORTER LINE.

4. Mr. Stanford admitted that he had agreed to give up Goat Island and come into San Francisco by rail for two and a half millions of dollars, but declared he had thrown it up, because the city had amended the subsidy ordinance so as to prevent the company from coming in by a shorter line.

This was anything but the truth. The agreement between the city and the railroad provided for just such a route, and the ordinance was amended only to make it conform to the agreement. The official copies of the agreement and of the amended ordinance were here exhibited by Mr. CASSERLY to the committee, in full contradiction of Mr. Stanford's statements.

After providing among other things for the right of the company to do upon its other routes, not coming into San Francisco, the business proper to them, and that as to other business the company should do it upon its route coming into San Francisco by the bridge to its terminal grounds, the amended ordinance provided as follows:

"But should future years demonstrate, by the increased growth and business of the city, the necessity of *any other or better* railroad route to said terminal grounds, the said companies *do not waive the same rights to its*

*Since Mr. CASSERLY's remarks were made before the committee, he received from the office of the Secretary of State of California a certified copy of the articles of incorporation of the "Contract and Finance Company," the Credit Mobilier of the Central Pacific.

Also, Mr. Huntington was examined as a witness before the Wilson Committee of the House, and, as appears from the newspaper reports, though unable, so far from California, to furnish much accurate information, he admitted large profits made by himself and others, as members of the Contract and Finance Company.

adoption and use as could be availed of by any other railroad company."

The ordinance as amended simply conformed to the language in the agreement of the same tenor on the same subject.

AN OFFER TO PASS THE AMENDED ORDINANCE.

The objection made at the time by the company's attorney, Mr. Robinson, was only that to amend the ordinance after passing it to print made it void. There was nothing in this as a question of law or of the practice of the supervisors. Yet the offer was made at once to begin anew on the amended ordinance, pass it to print that night, September 26th, and finally five days afterwards; which was in full season for submission of the ordinance to the popular vote at the election, November 5, 1872. This was not accepted by the company. He (Mr. CASSERLY) stated these facts respecting the offer from the written memorandum then in his hand, made by a friend who was present at the time; agreeing in all respects with his own recollection.

At the former meetings of the committee, he (Mr. CASSERLY) had stated the same facts as to the ordinance and the offer. They had been flatly denied by Mr. Stanford and his advocates. They had declared their readiness to produce the records to sustain their denial; but had produced nothing.

FIFTEEN ACRES IN A CITY "A VERY SMALL PIECE OF GROUND."

5. Mr. Huntington was no more reliable in his statements than Mr. Stanford. Thus, in answer to his (Mr. CASSERLY's) question, he had declared, that the railroad had but "a very small piece of ground" for its freight business on Townsend street, in San Francisco. Mr. CASSERLY showed the committee by the map, that the company had there, scarcely a mile from the business centre, almost fifteen acres. This was exclusive of the streets bounding the blocks into which these fifteen acres were divided by the plan of the city.

Mr. CASSERLY referred to these conspicuous errors of the president and vice president of the road, as to known facts, in order to induce a wholesome caution on the part of the committee in accepting their other statements. He (Mr. CASSERLY) had avoided questioning those gentlemen as fully as he could have wished when they were before the committee. He did not wish to promote a contest, which it was evident must lead to confusion and loss of time. He preferred to review their statements in his own remarks, as he was now doing.

THE CITY AND STATE OPPOSED TO THE BILL.

6. The opposition to Goat Island was not an affair "of seven or eight men" in San Francisco, as constantly stated by Mr. Huntington; nor of a few "land speculators or politicians," as asserted by Mr. Stanford. It was an affair of the whole people. They sent here an immense petition of 25,000 against the scheme last session. They were still against it. So was all the daily press, sustained by the business classes and the community generally. In the same breath in which the advocates of the bill decried the extent of the opposition, they confessed it, by asserting that public men hoped to ride into the Senate on it, and that politicians were promoting it for political effect.

THE JUDGMENT OF THE STATE.

The election of Congressmen in the city and State last year was a judgment against the scheme. In the San Francisco district both candidates were committed against it. The Grant candidate was elected, and was the only one on that ticket in the State who ran ahead of Grant. In the southern district both candidates were understood to be satisfactory to the railroad.

In the other two districts, the largest in the State, and in those only, the issue was distinctly made, railroad and anti-railroad. The railroad candidates in these two districts, both of them put upon the Grant ticket, ran behind Grant nearly 11,000 votes, one of them being defeated by almost a thousand in a district where Grant had over 4,700 majority.

The Governor of the State and the mayor of San Francisco, both leading Republicans and both against Goat Island, truly represented city and State.

The farmers and freighters of the State were too intelligent to believe they could benefited by falling into the hands of a great corporation, which had never lost an opportunity of oppressing them. Rates on their freights are higher now in places than before the railroad was built. Of this there were several instances. On the authority of General John Bidwell, formerly a representative in Congress from California, he specified one striking instance,—as to the freight on wheat from the general's town, Chico, an important wheat centre, to San Francisco. From the great district of Tulare valley, it cost nearly twice as much to carry a ton of wheat 200 miles

to San Francisco, as it does to carry a ton of coal from West Virginia, 440 miles, to Baltimore.

TWO EMPHATIC VOTES OF THE HOUSE.

The two recent emphatic votes of the House of Representatives against the bill showed the judgment of the nation to be in accord with that of San Francisco and California.

THE RAILROAD VEXES AND DRIVES AWAY COMMERCE—THE TEA TRADE, &C.

7. What else could be expected from a great company, which controls all the transportation within the State by land and by water, including a large, if not the largest, share of the express business; and which, not content with this, controls, it is well understood, the business of the Pacific Mail Steamship Company with China and with New York by way of Panama; and is still stretching out its giant arms after more monopoly of the business and power of the Pacific coast?

One result of this we see already in the loss of a large part of the tea trade—for the sake of which Goat Island is specially demanded—which has been turned away from us into the Suez Canal route.

Give the company Goat Island, and it will extend its exactions to the entire business of wharfage, ferriage, warehousing, and advancing as a middleman on products, for the Pacific coast and the whole country, and with the same result as that produced upon the tea trade, as to all business which can go elsewhere.

WHAT THE "FACILITIES TO COMMERCE" AMOUNT TO.

8. In truth, the whole cry about "facilities to commerce" kept up with such industry and noise is only to befog the subject. It is "mere sound and fury, signifying nothing,"—and this by their own showing.

The sole ground of the demand for Goat Island is "facilities to commerce." Yet, according to Stanford and Huntington themselves, this ground comes down finally to the alleged fact that they cannot maintain their wooden wharves at Oakland, on account of the boring worm and the decay of the timber. Mr. Stanford says expressly, "*This is our main argument.*" But for this, says Mr. Stanford, over and over, "*we would not care to go to Goat Island.*" Again, he says: "As I said in the beginning, if it were not for the great expense of building and then the perishable nature of the wharf, *we would not move to Goat Island.*" In many ways he says this, and saying this he gives up the controversy, absolutely. If true, this trouble as to the worm and timber could be cured by sheathing the piles or using iron, or even seasoned or preserved timber. This was very clear. In fact the whole thing was an afterthought. Else why did the Goat Island bill, as first introduced into the House, provide for piles and trestle-work in the usual way—of timber? The present bill made no better provision.*

Again, he (Mr. C.) said there was nothing substantial in the statement as to the worm and decay. If there was, it is impossible to suppose that they would have built their great wharf at Oakland, at a cost of nearly two and a half millions, without the least precautions against the worm and the decay of the timber.

"FACILITIES TO COMMERCE"—ANOTHER FATAL ADMISSION.

The ground of "facilities to commerce" is further exploded by Mr. Stanford's own admissions, that as to grain, by far the great bulk of our California products, all our immense crop of last year, except a small portion sent to San Francisco for her own consumption, was forwarded direct from other points, without going to San Francisco, and free of any tolls or charges. Leave out grain, and almost all other cargoes are miscellaneous cargoes, which Mr. Stanford admits must still go to San Francisco.

THE GOAT ISLAND BRIDGE SCHEME A FOLLY.

9. If all they say, and more, were true, the scheme of a bridge to Goat Island will not stand the business test.

As a business proposition, such a bridge is a business folly. The interest on the cost of a bridge to Goat Island, say eight millions, —the engineers' report, page 7, says ten millions,—together with wear and tear of so long a structure crossing deep water and swift tides—over a million yearly—would enable them to

* The language of the original bill is:
"*And be it further provided*, That the trestle or pile work over the channel shall be open work, so as to obstruct as little as possible the flow of the water."
The language of the present bill is:
"That the superstructure upon which the track shall be placed shall be built upon piers, with spans of not less than three hundred feet, which piers shall be reduced to a minimum, and also to the least possible width consistent with safety, and so placed and shaped with reference to the channel and direction of the tides as to offer to them as little obstruction as possible."
Not a word in either bill as to using stone or iron, or preserved or sheathed timber, against the ravages of the boring worm, or against natural decay, of which all at once so much is said now.

maintain in repair any wharves and depots on their 420 acres on deep water at Oakland, though thrice their present extent.

The bridge will lose money. It will save no time. No railroad train will dare to run over it with half the speed of a first-class ferry-boat on the water. It will save no money on the many cargoes that must go to San Francisco; for it is admitted that the cost of ferriage from Oakland to San Francisco, and from Goat Island to San Francisco, will not differ materially.

Mr. Stanford says that the ferriage from Oakland to San Francisco is not the difficulty: "*We could stand the ferriage, if that was all.*"

As to the business test, the engineers' report, page 9, takes the same view as that now stated.

It is intimated in this view that the accommodations at their Oakland wharves are insufficient. "Insufficient," when we know they boast of them justly as a wonder for extent and capacity; when we know that a few miles beyond, on the same side of the bay, at Alameda, they have other wharves and depots for the bulk of their grain business on the bay. "Insufficient," when we know they have, or can have whenever they choose, at Vallejo, now their greatest grain point, all the wharf and depot facilities, on a bold shore and firm land, which they need for the commerce of the world. This, too, is an afterthought.

COMPANY WILLING TO SELL OUT ALL "THE FACILITIES" FOR A PRICE.

10. The company cannot deny these views as to the alleged increased "facilities of commerce." It is estopped forever by its own bargain to surrender them, Goat Island and all, for a subsidy of two and a half millions from the city. This has been already fully shown.

THE "SHORT LINE"—WHY WAS IT NOT BUILT?

11. A "short line" to San Francisco bay by either one of two routes, on the best of which they had but twenty-six miles to build, had also been much pressed on the committee by Messrs. Stanford and Huntington as an inducement to give them Goat Island. This new line could just as well be built without the island. Why had it not been built any time the last two or three years, while they had the matter, as to one or both lines, in their own hands? Their only excuse was, they "had other lines of more importance to build in other parts of the State," as alleged by Mr. Huntington. That is to say, this "short line," which all at once is vital to the company and to its whole railroad system, and which, if completed from the point on the California Central, mentioned by Mr. Huntington, required but twenty-six miles to build to reach Oakland, was never before but a very secondary matter.

This plea for Goat Island, like all the others, will not stand the test of facts. The present railroad from Sacramento *via* Stockton to Oakland runs where nearly all the business is between those points. Hence, though circuitous with some heavy grades, it must be maintained. This Mr. Huntington admits. Now, it is simply absurd to say that the company will spend many hundreds of thousands of dollars—if not some millions—to build a new road on either of the "short lines" to compete with their present road. The cost of such a new road, with wear and tear, every day it was run, would greatly exceed the difference of cost of running the present road, with its greater length and heavier grades.

This is the money test, which controls all rational railroading. It furnishes the real reason why the company has never yet built the much-talked-of short line to Oakland, and why it will not build it for a great many years to come, if ever.

SAN FRANCISCO STILL FOR GIVING FULL FACILITIES.

12. San Francisco had never grudged to the railroad company any facilities for commerce, and for bringing "ship and car together." At her instance the State granted the company sixty acres at Mission Bay, giving the company a frontage on the water of about a mile.

PRESENT RAILROAD FACILITIES IN SAN FRANCISCO, MISSION BAY LANDS, &c.

13. The railroad men complain of these lands as little worth, as being too far from deep water, and so on. This too is an afterthought. Else why did they ask for these very lands five years ago, locate them just where they now are, and spend in improving them, as they claim, between one and two millions of dollars?

The complaint that the company was not allowed to come within 300 feet of the water-front is very unfair. Those 300 feet are the street along the whole water-front on the plan of the city, kept open by law for the use of the entire public, the company included. To grant this to the company, at that point, would exclude all the rest of the public, not only from

the street, but also from any practical use of the two great public basins, the "Central" and "China" basins, with an aggregate area of 83 acres, laid out and set apart for the commerce of the port; and would give them into the company's control.

The complaint of being excluded from deep water means simply that they very shrewdly located their lands fronting on these two basins, which run out to deep water, and which the company may at any time have leave to dredge out to the same depth, right up to the line of the open street, 300 feet wide, fronting on its own lands.

Not content with this grant, which they located under the State grant, they sought to have all the streets laid out through the grant closed up for their use. This would have enabled them to blockade the whole water-front for a mile, and to exclude the public from it and from access to the great basins, except along the 300-foot street reached by a roundabout route.

So they complain that they had to take their sixty acres at a distance of nearly two miles from the business centre. As if sixty acres, which they must have on the water-front and in one body, could be had any nearer to the business centre!

The merits of all these complaints need only to be stated to be understood. They illustrate thoroughly the nature of the company's claim to Goat Island, and the quality of the assertions made in support of it.

Besides the sixty acres in Mission Bay, the company has in the best parts of the city four wharves, all on deep water, two of which are of the first class.

At one of these two their great ferry-boat lands with the freight cars—a train of sixteen at a trip—which connect from the boat by rail with the Pacific mail steamships a short distance off, without breaking bulk.

On all these wharves, instead of paying a high rent for them, up to $1,000 or $1,500 a month, as stated by Mr. Stanford, the company makes a good profit by the tolls it exacts for the use of them. [Here Mr. CASSERLY submitted the official report of Mr. Crane from the books of the State harbor commissioners.]

The company has or uses in the city over 130 acres for business purposes; more than six times as much as the Boston and Albany road has in Boston, though in 1871 it did a business of over two and a quarter millions of tons of freight, and between four and five millions of passengers; compared to which the business of the Central Pacific is small indeed. [Here a body of statistics was presented by Mr. CASSERLY, showing the area occupied by several of the leading railroads in the East to be not a quarter or an eighth of that held by the company in San Francisco alone.]

In addition to all these facilities, San Francisco holds herself ready to grant any others, at Mission Bay or elsewhere, that can decently be required of her. Her authorities have pledged themselves to this.*

Yet more—as is truly stated in a recent news dispatch of the citizens' committee of San Francisco, sent to the eastern press in the regular way, but which was by some means kept out of all but a very few of the New York papers, the company can have the right, whenever it asks for it, to lay a track upon the open street all along the water front, and receive and deliver freight at the ship or warehouse.

In the face of all this, the chief officers of the company are here complaining that it has no facilities at San Francisco for doing its business, or getting to deep water, or for bringing "ship and car together," and so forth!

FACILITIES ON THE OTHER SIDE OF THE BAY—OAKLAND AND ALAMEDA.

14. All this is exclusive of facilities on the opposite side of the bay. At Oakland the company has 420 acres facing Goat Island, (with its great wharf,) having a front of nearly half a mile on ship-channel. Also, over 2,000 acres of the water front of the city. At Alameda, a few

* On January 13, 1873, the board of supervisors (the city council) passed unanimously the following resolution:

"*Resolved*, That the board is prepared to grant to the Central Pacific and Southern Pacific railroads such facilities for enabling the bringing together of car and ship, also to modify the present arrangement of streets within the limits of the lands on Mission Bay granted to said company by the State of California, as may be proper for the better accommodation of the commerce of this port. Provided, that the Central Pacific Railroad Company withdraw the bill now before Congress for the cession of Goat Island, or any portion thereof; and provided further, that the terminus of said railroad companies be permanently established in Mission Bay, in the city and county of San Francisco."

The proviso, as to the terminus in Mission Bay, should be understood. The grant of the sixty acres at Mission Bay was on the condition expressed in the act that the railroad companies (Central and Southern Pacific) should, in the words of the act, "make the terminus of their roads upon the said premises."

This act and the grant under it were accepted by the companies. The attempt of the Central company to get Goat Island for "the terminus of its roads," is, of course, a clear violation of the act and of the company's plighted faith.

miles south, it has five acres for its grain and passenger depots.

THE COMPANY'S RIVAL CITY.

15. These great landed interests at Oakland go far to prove the design of a rival city there, though flatly denied here by the railroad company. That design is fully believed by those most in the company's secrets. A committee of these have published a pamphlet, the materials for which were evidently furnished by the company.

Mr. CASSERLY exhibited maps showing the plan of the city at Oakland, running out into ship-channel, with a frontage of over two miles, connecting with extensive docks and basins on San Antonio creek, and including Goat Island, as being within the jurisdiction of Oakland. A part of this scheme is to fill in and build upon the shoal of 160 acres on the north of the island, regardless of the certain injury to the harbor. This project was hardly denied, as will be seen presently.

INJURY TO SAN FRANCISCO.

16. The railroad advocates had striven hard to show that the Goat Island scheme would not injure San Francisco. Thus they confessed this was an element in the controversy. Nothing could be clearer than the great injury to San Francisco. The whole establishment of the railroad company, as the terminus of thousands of miles of railroad, and all the trade and commerce connected with it, would be transferred from San Francisco to Goat Island and the adjoining Oakland shore. Mr. Stanford had substantially admitted this.

All San Francisco is agreed as to the injury. She must understand her own interests very much better than the railroad company can. The passage of the Goat Island bill by the House had made all real estate in San Francisco unsaleable. She had faced fire, pestilence, drought, and earthquake, and had overcome them all. But this last and worst calamity had cast her down as she had never been cast down before. It was the one black cloud in her horizon. She was the growth of twenty-five years of the best energies and resources of her people and of her State, without any special aid from the General Government. She asked no such aid now, but simply that the Government should not side with the railroad in the struggle. She had some rights in this business. One of them was that the United States should not cast their weight in with a giant corporation, wielding a hundred millions of the people's wealth, against her. She did not fear Oakland as a rival city. She bid her "God speed." All she wanted was that the United States should not join hands with a huge railroad company in its scheme of building up a city at Oakland, branching out to Goat Island. The odds were unfair, and too great for her to contend against, except at great loss and injury, lasting for years.

THE MILITARY QUESTION.

17. Of the military branch of the question he need not say much, especially before the chairman, himself a distinguished soldier. The report of the Pacific board of engineers was strong, clear, and spoke for itself. It affirmed, more strongly, if possible, the report of 1868, that "no portion of the island or of the adjacent shoals should pass out of the control of the Government." Any collection of buildings there would make the fort untenable. He (Mr. CASSERLY) might add, Goat Island was the Gibraltar of the Pacific coast, and especially of the great bays of which San Francisco was the harbor. At its present height it was the chief point from which a plunging fire could be delivered on the deck of an ironclad, and the only point from which an enemy could surely be driven out of San Francisco. It was the last point at which a stand could be made for the city and the State and the coast.

That the Pacific board considered at all the idea of surrendering any part of the island to railroad purposes was only in deference to the express language of General Humphreys in his letter of instructions. He orders them to make their report "on the supposition that the wants of commerce require the construction of a railroad, &c., to the Island of Yerba Buena," &c. This "supposition" was not, nor was any thing like it, in the Senate resolution of May 11, 1872, under which alone he had any power to act. It was an unwarranted interpolation of General Humphreys. His letter transmitting the reports is grossly wrong in saying that "they substantially agree that certain portions of the island may be relinquished to the wants of commerce," &c. They agree to nothing of the sort.

The board of engineers at New York say explicitly, page 3:

> "We deem it indispensable for the proper defense of the city and harbor that the Island of Yerba Buena should be strongly fortified; and we consider that its joint occupation by the Government and any company or individual is very objectionable."

It is only "upon the supposition" of General Humphreys "that the wants of commerce *require* the construction of a railroad," &c., "to the is-

land," &c., "and the occupation of a considerable portion of the island," &c., "as presented in your (Humphreys') instructions;" that they go on to report in favor of allowing 28 acres under specified conditions.

The Pacific board of engineers, after full examinations again made upon the spot, and with the best possible means of information, say, page 7:

"In view of these considerations, this board can only reiterate the opinion expressed in its former report on this subject, viz: 'That no portion of this island, or of the adjacent shoals, should pass out of the control of the Government.'"

They do not even discuss the subject of allowing any part of the island to a railroad company, except in reference to a possible contingency, as they say:

"If, however, Congress should determine otherwise," &c.

It is entirely evident that had the two boards of engineers on the Atlantic and Pacific been left to their own good judgment, free from the "supposition" volunteered by General Humphreys, they would have reported unqualifiedly against giving up any portion of the island to the railroad.

General Humphreys' course is the more singular, because in 1868, on the application of the Terminal railroad for a part of Goat Island, he reported that he "agreed with the Pacific board of engineers, that *no portion* of Goat Island or the adjacent shoals should be given up (from its military uses) for railroad or other commercial purposes."

A DIFFERENCE BETWEEN RAILROADS.

This extreme change of views on his part has no other ground, apparently, than that a very small railroad company asked for the island then, while a very great one asks for it now.

DANGERS TO THE HARBOR.

18. The question of danger to the harbor, was too substantial to be laughed down by our opponents. All the scientific authority holds, that anything like a solid causeway to the island, or even a bridge of piles, would be certain and irreparable injury to the harbor and bar. Even to the line of deep water it must do great injury. The best bridge, on the fewest and smallest piers, offering the least obstruction to the tides, is the only structure that is not sure to do much harm. Yet who can safely say that it is sure not to do it? It is but an experiment after all. The risk is too extreme for experiments. We cannot afford thus to tamper with our only great harbor on the Pacific. Already the company's Oakland wharf, according to the report of the late tide-land commissioners at San Francisco, based on an immense number of soundings, has shoaled the water near by from two to three feet, causing the bottom in other places to scour, thus injuring the holding-ground of the harbor. No man can foresee the effect of permanent structures upon a harbor in which such an immense body of water is moved with such velocity twice daily by unusually strong tidal currents. The experience of other harbors should warn us. The reports of the engineers as to rivers and harbors, laid almost weekly on our desks in the Senate, show that the one thing to be guarded against is any dealing with our harbors which may, by possibility, impair their tidal area, their depth or safety.

In no event should the company be allowed to fill in and build on the shoal north of the island. It avows that it bought the shoal for a quarter of a million of dollars, "to make use of it." Even this great company must not so use it as to ruin or even injure our harbor. The bill should have an express provision to that effect.

Mr. McRUER had discussed so thoroughly the military view of the case, and also the danger to the harbor, in connection with both reports of the Pacific board of engineers in 1867 and 1872, that he (Mr. CASSERLY) did not feel that he should detain the committee at that late hour with any further remarks on that part of the subject.

THE ONE THING LEFT—TAXES, &C.

19. It had been well and truly said the other day by the Governor of the State in his speech at San Francisco against the bill, that Goat Island was about the only thing left in the State that could help the company to a monopoly of business which it had not got; and now it was importuning Congress for Goat Island.

With all this, as he (Mr. CASSERLY) had stated before the committee, in Mr. Huntington's presence, the company would not pay its taxes to the State, and it had got the question now before the Supreme Court here at Washington. The company wants every thing it can extract from the Government, State and General, but pays nothing to either which it can help.*

* While these remarks are going through the press, we learn from the San Francisco newspapers of February 13, 1873, that the company has had a suit brought in the United States circuit court to restrain the collection of taxes on its property throughout the State.

A SIMPLE TEST OF THE REAL OBJECT.

20. Let us try this demand for Goat Island by a simple test.

The object, it is said, is "to bring ship and car together."

If so, why not do this at any one or all of several points on the great Bay of San Francisco, as Vallejo, Antioch, Benicia, New York of the Pacific,—to say nothing of Oakland? At each and all of these there is deep water, with a good shore; while the company has already a railroad connection at Vallejo, and proposes, as it says, to have it at some or most of the others.

At any one of them "the ship and car" are brought close together by nature.

At Goat Island, on the contrary, millions must be spent for a bridge on one side of the bay to bring ship and car together, while on the San Francisco side two miles of water separate ship and car, as to all ships and freight at her docks.

Why then does the company turn its back on all the other and far better points, and strive in every way for Goat Island?

The answer is close at hand.

The company wants a place of isolation, every access to which it holds by land and water, where it can rule alone, with no competitor, and with complete monopoly of the great business which naturally forms around such a railroad centre, and of all that too which, by proximity, it can draw away from San Francisco. Besides this, it wants to give the utmost value to its very large landed possessions at Oakland and on the shoal north of Goat Island.

Goat Island is the one point in the whole State which fits this scheme exactly in all its parts. Hence the company wants Goat Island, without any regard to the needs of commerce, the fortification of the harbor, or its freedom from injury, or the rights and interests of San Francisco or its people.

Either this, or more probably with this, the company means to have the island as a terror to San Francisco, by which to wring from her whatever price of her safety it chooses to demand.

To such a scheme will the Congress of the United States consent to become a party?

A CLOSING APPEAL.

21. In conclusion, Mr. CASSERLY said he had thus far addressed the committee on the special grounds of objection to the bill connected with the navigation of the harbor and its military security, the injury to the best interests of San Francisco, and the failure of the advocates of the bill to make good the only ground alleged by them in its favor, namely, that it would greatly increase "the facilities to commerce" at San Francisco.

He could not close without a word or two upon a more general if not a higher ground. He begged the committee, as American Senators, sitting among the rulers of the land, not to suffer a great corporation to come between the City of San Francisco and the commerce and future of her harbor; to let her and them be left as they had heretofore been left, to the intelligence, the enterprise, and the energies of an American community, and these arrayed against each other in free and honorable movement and competition. These were the vital forces of American life on which our material interests and things much better than they, the institutions and the highest civilization of the country, had to rely, and had always thus far successfully relied.

Let the commerce and the future of the harbor of San Francisco be left to them. It is only there they can safely be left. Do not attempt to wrest from the people that commerce and that future, to consign them, with all the interests, industries, and energies of the State of California, to the iron grasp of a corporation for a period, which, whether it be short or long, will be sure to inflict upon them an injury which even the fresh and boundless resources of the country will hardly repair. No government has ever yet given to a great corporation such power over the business interests of its people without having had cause to rue the deed as a grave offense against all real prosperity and progress.

[The matter was postponed by the committee to its next regular day of meeting, February 17, 1873. On that day the bill was reported back to the Senate without recommendation.]

23,727

SPEECH

INV. 1898.

OF

HON. CORNELIUS COLE,

OF CALIFORNIA,

ON THE

PUBLIC DEBT,

Delivered in the United States Senate, December 5, 1867.

WASHINGTON, D. C.:
McGILL & WITHEROW, PRINTERS AND STEREOTYPERS.
1867.

SPEECH.

The following joint resolution, introduced by Hon. Mr. EDMUNDS, of Vermont, being under consideration:

"JOINT RESOLUTION pledging the faith of the United States to the payment of the public debt in coin, or its equivalent.

"WHEREAS the public debt of the United States was (except where specially otherwise provided) contracted and incurred upon the faith and credit of the United States that the same would be paid or redeemed in coin, or its equivalent; and whereas doubts have been raised as to the duty and propriety of discharging such debt in coin or its equivalent, therefore,

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the public debt of the United States (except in the cases where, in the law authorizing the same, other provision was expressly made) is owing in coin or its equivalent, and the faith of the United States is hereby solemnly pledged to its payment accordingly."

Mr. COLE said:

Mr. PRESIDENT: In opposing this resolution it may be as well at the outset to disclaim any desire to pay the national debt by an inflation of the national currency, or faster than it shall fall due, or in any manner not in strict accordance with the utmost good faith. I likewise disclaim any purpose to tax the non-taxable Government securities without the consent of their owners, or in violation of the promises contained in the laws. And so far as I am aware nobody expects, or has the least reason to fear, a repudiation, directly or indirectly, of one dollar or one cent of the obligations of the United States. All this talk about repudiation is better calculated to operate upon the fears than the judgments of men; it has no foundation in fact, none whatever.

This disclaimer is, perhaps, rendered advisible by reason of the spirit that has characterized the discussion of this question outside of Congress, not by anything that has occurred here. The Senator from Vermont [Mr. EDMUNDS] has presented, in a most unexceptionable manner, the only really pertinent argument that has appeared on his side of the case. Like a sound lawyer, as he is, he has deigned to refer to the statutes, and has sought to sustain his views without a resort to denunciation.

The Secretary of the Treasury, on the contrary, has in his recent report indulged in some quite severe strictures against those who disagree with him as to the manner in which a certain portion of the public debt is payable under the law. And the venerable ex-Secretary of the Treasury, that distinguished financier of a former generation, Robert J. Walker, in his recent report is exceedingly severe upon the opponents of his views and theories. Much of this, however, so far as he is concerned, must be set down to generous zeal and habits contracted in another age—the golden age of American finances. This worthy citizen in his lately published address has endeavored earnestly to serve the public, and if he has not succeeded in improving the national credit, he has at least run great risk of bankrupting his own imagination. Those who cannot endorse his ideas must nevertheless admire the passionate ardor which he brings into their advocacy. He and the honorable Secretary and the Senator from Vermont agree perfectly as to what ought to be done to insure a safe issue out of our financial troubles, but the misfortune still is that nobody can do the desired thing.

According to the November statement of the Secretary of the Treasury, $1,778,000,000 of the public debt bear interest, payable in coin. If "doubts have been raised as to the duty and propriety of discharging" the principal of such debt in coin, none exists as to the manner in which the interest shall be paid. All agree upon the validity of the obligation to discharge that in gold, because it is so "nominated in the bond;" the law requires it. It is only the principal of a portion of the public debt that the resolution of the Senator from Vermont is intended to affect. To this, attention is especially invoked, and since it concerns full three-fourths of the entire public indebtedness, the resolution, which will have all the force of a law, ought to, and doubtless will, receive the most careful consideration. Further time to investigate would have compensated, in some degree, for a want of skill in financial affairs; but without much forethought, a few plain propositions may be submitted.

The exact present amount of the six per cent. five-twenty bonds cannot be readily as-

certained. The monthly statement of the Secretary of the Treasury for December has not yet been published, but since the conversion of Treasury notes into these bonds has been going on rapidly during all the month of November, it is safe to say that they amount now to $1,600,000,000. I include in this sum the $139,155,650 issued in the form of seven-thirty Treasury notes, under the acts of 1861, and afterward, under the latter of those acts—the one of August 5—converted into bonds. There may be some discrepancy about the present form of this portion of the indebtedness, but I find the fact of their conversion noted so early as on the Secretary's statement of May 31, 1865, and I cannot, therefore, be mistaken about it.

It will be observed that a very large share of the public debt—about two-thirds of the whole—is in the form of these six per cent. five-twenty coin-interest bonds; and the magnitude of this question has not been at all exaggerated by any one, nor can it easily be. I agree with all the Senator from Vermont has said upon this head, but not so in reference to his arguments. He asserts that the principal of these bonds should be paid in coin, because the seven-thirty Treasury notes and other lawful-money securities are convertible into them, and that it would be absurd to have such a provision if the bonds themselves were afterward redeemable in lawful-money.

But it seems to me the inducement for making the change is found in several other independent facts: first, the bonds bear an interest in coin, while the notes bear interest payable in any lawful money; and, second, the bonds run for twenty years, the notes for but three. Again, there is a difference in the value of the six per cent. interest in coin and the seven and three-tenths interest in currency; and, finally, the bonds are non-taxable securities, while some of the convertible notes are taxable. These considerations show that the provision for conversion of other securities into bonds is not altogether absurd, even upon the hypothesis that the principal is not redeemable in coin or its equivalent.

Another argument is deduced from section five of the act of February 25, 1862, which reads as follows:

"That all duties on imported goods shall be paid in coin, or in notes payable on demand heretofore authorized to be issued and by law receivable in payment of public dues; and the coin so paid shall be set apart as a special fund, and shall be applied as follows:

"*First.* To the payment in coin of the interest on the bonds of the United States.

"*Second.* To the purchase or payment of one per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.

"*Third.* The residue thereof shall be paid into the Treasury of the United States."—*Vol.* 12 *United States Statutes-at-Large, page* 346.

It is claimed that the second subdivision of this section provides a fund out of our coin receipts to liquidate these bonds. But it can hardly have escaped attention that different language is used in the two subdivisions of this section. In the first it is provided that the revenues arising from imports shall be applied "to the payment in coin of the interest," and in the second subdivision that they shall be applied "to the purchase or payment of one per cent. of the debt." That is, after the 1st day of July of each year, the total amount of the public debt shall be ascertained, and a sum in coin equal to one per cent. of the whole shall be set apart, out of the duties on imports, and be made a sinking fund for the purchase of a portion of the public debt. The word purchase occurs twice in that connection, and is significant of a different intention on the part of the law-makers from that which is claimed for this section.

Now, the principal of these bonds is payable in coin or it is not. If it is so payable under existing laws, as is distinctly assumed in the preamble to the resolution, then there can be no real necessity for the passage of the resolution; for the allegation is not that anybody is seeking to evade the law; it is only that "doubts have been raised as to the duty and propriety" of a certain course in reference to them. But the very fact that this resolution has been brought forward is some sort of a confession that they are not so payable, and that further legislation is necessary to make them payable in coin.

But if, on the other hand, the principal is not payable in coin or its equivalent, it becomes a very serious question whether we ought in this manner, or in any manner, to so alter the law as to declare it payable in coin, or otherwise than as the law now prescribes. For whatever we do in this regard, our action, after all, will neither liquidate the debt nor increase our ability to liquidate it. At best, the resolution, if passed, will only amount to a declaration of intentions; not, however, a vain and inoperative declaration, for it will have the effect, if any effect at all, to bind us absolutely to discharge in coin a vast debt, which otherwise would be redeemable in such lawful and current money, whether gold, silver, or Treasury notes, as we are able to pay or to borrow when it falls due.

This most important acknowledgment, which is to add hundreds of millions to our present burdens, will apply wholly to an existing indebtedness, for it is not pretended that

there is one dollar of new consideration moving the Government thereto. It is to be an act of pure generosity, undertaken professedly for the purpose of strengthening our national credit.

The case may be stated in this way: by reason of our owing $2,500,000,000, our credit is thirty per cent. below par. In order to demonstrate that it ought to be at par, and to prove to the world that we are in a sound financial condition, we will magnanimously add, without consideration, some seven hundred millions to the sum of our indebtment. If a reputation for solvency is to be reached in that direction, it is just as easy, while we are about it, to go a little further and render the matter of our ability to pay still more certain.

But we are told that if we do this generous act we can hereafter, in case of need, borrow money with greater facility. It does not, however, appear very clearly that we ought to borrow trouble about the future. Most likely we shall have enough of our own, in the form of taxation and other exactions, in order to meet what we already owe. At any rate "sufficient unto the day is the evil thereof."

But if loosely adding this large amount to the existing pressure upon the Treasury will increase our ability to obtain money in open market upon still further securities, it argues a most incomprehensible difference between public and private financiering. Any business firm or person in the world would at once break down under such a policy.

It is assumed for this occasion that the public laws relating to this subject are not ambiguous, and need no interpretation by additional action of Congress. They were plain enough at the time of the investments, otherwise capitalists would have withheld their funds. It is not usual for financiers to dispose of their money on doubtful securities. It is alleged, however, that another and higher motive than a mere pecuniary one entered into and became a part of these transactions. That may be so; but whether the promise of a large gold interest, together with a prospect of speedy return to specie payments, was the controlling inducement for these investments, or whether they were made with a patriotic desire to sustain the Government, cannot now be accurately determined. It is my firm belief, however, notwithstanding the extreme circumspectness with which the lenders selected their securities, that both these considerations entered into the loans. At all events these creditors, patriotic as they are, have the double satisfaction of beholding a restoration of the Government, upon which their all depended, and of receiving their regular interest semi-annually in gold. Far be it from me to detract from their generous love of country by a vote which would in effect declare that their motives in making the loans were entirely sordid. The Republic is scarcely less indebted to them for its preservation than to those other patriots who periled their lives on bloody fields and in prison-pens; and it is hoped that the time is not distant when the national currency shall be equal to gold, dollar for dollar: and then these creditors will be further rewarded by being reimbursed with money at par for the depreciated currency they loaned the Government in her time of need.

The Secretary tells us that "liberal subscriptions were regarded as evidence of loyalty," and "that they were paid for in a depreciated currency was not the fault of the subscribers." To both of these propositions I readily accede; but would their loyalty be outraged, or would it be a fault in the borrower, if their loans were returned to them in that same currency, if such was the contract?

If these loans of a "depreciated currency" were really made with the "distinct understanding," as the Secretary asserts, that they were to be returned, principal and interest, in coin, it goes much further to prove financial shrewdness on the part of the lender than his loyalty and patriotism.

Under the act of March 3, 1863, and the supplementary act of March 3, 1864, the Secretary of the Treasury was authorized to issue the ten-forty bonds, and to make them redeemable, principal and interest, in coin. The amount of this description of bonds, issued under this authorization, and still outstanding, is believed to be less than two hundred millions. The Secretary's authority, in the laws referred to, went only to the issuance of the bonds—he had no discretion as to the character of the money in which they shall be made redeemable.

The advocates of the theory that all other bonds of the Government are likewise payable in coin will not contend that the same state of facts exists in reference to the five-twenties. The utmost that can be claimed for any of these is that the Secretary had discretion to make them payable in coin or in other lawful money. Without conceding, except for the argument, that he had such discretion, it may well be claimed that he has exercised that discretion and exhausted his authority in the premises by actually making them payable in the lawful money of the United States. Had he made them on their face payable in coin, they would not have been so in fact, unless the law under which they were issued contained the authority. The law is a part of the contract, and by it all the

world is put upon the notice as to the extent of the authority of the Secretary, who is but the agent of the Government, and can only bind it within the scope of his authority.

Let us now refer to the several laws relating to this subject, to the end that we may ascertain, if possible, the extent of the Government's obligation. The act of July 17, 1861, and the act supplementary thereto of August 5, 1861, under which $189,155,650 in bonds had been issued up to the last of May, 1865; the act of February 25, 1862, under which, prior to the same date, May 31, 1865, $514,780,500 had been issued, and the act of June 30, 1864, under which, within the same time, $90,789,000 in bonds had been issued, will all be searched in vain to find the least authority for discharging the principal of the debts created by them in other or different currency from that provided for the payment of all other obligations, "public or private, except, of course, duties on imports and interest on the public debt." and the principal of the ten-forty bonds.

In addition to the bonds above described, there had been issued, before the month of June, 1865, under the law of March 3, 1863, $75,000,000 in bonds payable in 1881, and bearing interest at six per cent., but whether the principal of them was dischargable in coin, like the ten-forties issued under the same law, or whether, like the other bonds, they were redeemable in lawful money, does not appear. But since there was no authority in the law of 1863 to make other than coin bonds it is presumed they are of that class, though bearing six per cent. interest and payable in eighteen years. Leaving these out of the calculation there was on the last of May, 1865, of this five-twenty class of indebtedness only $794,725,150.

The Senator from Vermont, in his calculation on yesterday, makes the sum of these five-twenties issued prior to 1865 only a little over six hundred and ninety millions. But he possiby excludes from his figures the $50,000,000 and the $139,000,000 issued under the acts of 1861, and includes the $75,000,000 of the 1863 issue. Clearly, I am within the facts when I say there was not to exceed $794,725,150 in five-twenty bonds in June, 1865.

This was some time after the war had ended and when retrenchment should have begun, but nevertheless by changing debt bearing interest in lawful money, and debt bearing no interest, into debt bearing interest in coin, this description of indebtedness has been more than doubled. It has grown in these two years and a half from less than eight hundred million dollars to upward of sixteen hundred million dollars. Had this taken place during the exigencies of the war, it would have been of a piece with the many other desperate schemes of those times; but it is difficult to detect the wisdom of that financiering which adds a large amount, perhaps twelve or fifteen millions, to our annual interest list in time of peace, and when it could have been avoided. This remark is intended to apply not more to the honorable Secretary than to the legislation which conferred upon him the authority, indicated the course, and gave the discretion. The law of March 3, 1865, under which most of these conversions have taken place, and under which they are now going on, expressly provides that—

"Any Treasury notes, or other obligations bearing interest, issued under any act of Congress, may, at the discretion of the Secretary of the Treasury, and with the consent of the holder, be converted into any description of bonds authorized by this act."

And it is contended that the bonds authorized by that act are payable, not only interest in gold, but principal also. The clause, if any, from which this construction is deduced, reads as follows:

"And the interest on such bonds shall be payable semi-annually; and on Treasury notes authorized by this act the interest may be made payable semi-annually or annually at maturity thereof; and the principal, or interest, or both, may be made payable in coin or other lawful money."

The latter part of this sentence, in which the word "coin" occurs, relates to the Treasury notes, the description of securities last before mentioned; and such is evidently the opinion of the Secretary of the Treasury, for in his recent report (page 33) he declares that—

"The acts of March 3, 1863, and March 3, 1864, are the only acts which state expressly that the bonds to be issued under them shall be payable in coin."

On the following page, after referring to the act of February 25, 1862, he adds that—

"Subsequently all interest-bearing notes were made payable in lawful money, but no change was made in the form of the obligation of the bonds. Thus the seven and three-tenth notes issued after that date, the five per cent notes, and the compound-interest notes were made payable in lawful money, while the bonds, not being so made payable, have been recognized by Congress, by the Treasury Department, and by the people as payable only in coin."

Here I must be allowed to controvert these assertions. Congress has made no such recognition, except as to the ten-forty bonds. Congress could make no such recognition, unless by enactment or resolution, and in neither way have they done it. The Secretary supports this part of his assertion by citing the speeches of individual members of Congress rather than their solemn acts, and the Senator from Vermont falls into the same line

of argument. They both quote from the voluminous Congressional Globe instead of from the Statutes-at-Large.

If the "Treasury Department" has recognized these five-twenty bonds as payable only in coin, it does not so appear from anything that has been done by the Secretary himself, or the Assistant Secretary, or the Treasury agent, within the line of the legitimate duty of each. Nor does it appear wherein or on what occasion the people have given in their recognition of this new idea touching the five-twenty bonds. The people have not yet recognized those bonds as payable, principal as well as interest, in gold unless we shall have established our credit, and are paying gold when they shall be presented for payment near the end of this century. But if within the scope of the law of 1865, the interest and the principal of those bonds is made payable both the bonds and the notes "may be made payable in coin or in other lawful money;" that is to say, in either, at the option of the payer. But if the Secretary has it in his discretion to make the bonds and the notes both payable in the one description of money, that is, in coin only, he must needs in some manner indicate the exercise of that discretion; and if it does not appear upon the face of the bonds that they are redeemable in coin, they must be taken as payable in any "lawful money." Again, if the word coin is applicable to both bonds and notes, and the Secretary, having the discretion, should so exercise it as to make any portion payable in coin, it would necessarily extend to all; for the words "principal or interest" apply to Treasury notes as well as to bonds, and not to the one to the exclusion of the other. The principal of these Treasury notes has never been payable in coin; neither can the principal of the bonds, which are issued under the same law with them, be made so payable.

The holders of them have no right at this time to demand a declaration from Congress that they shall be redeemed "in coin or its equivalent;" and unless we shall have reached a specie basis before they fall due, it would be most unreasonable in them to expect the Government to sell its depreciated securities to buy coin, in order to return to them gold dollars for the depreciated paper dollars which they loaned. Their interest they will punctually receive in coin and the principal likewise, if fifteen or twenty years hence, when the demands are payable, we can raise the coin, and who doubts that we can?

If it was unsound policy to convert our non-interest-bearing debt, and debt-bearing interest in currency, into bonds with interest payable in coin, how much more unsound will it be to convert the principal of that debt, which is payable in lawful money, into a debt wholly payable in coin. To do this while a dollar in coin is worth in the market one dollar and forty cents in paper money, would be in effect adding temporarily, and perhaps indefinitely, forty per cent. to that debt. This can be of no advantage to anybody; not even to the bond-holder himself. The bare proclamation of this fact, instead of enhancing the value of his chattel, will, in my judgment, produce the opposite effect. It must inevitably postpone the time of our arrival at a specie basis, and as a consequence the day when these bonds will be paid in gold—a day which is sure to come, if we permit it, but equally sure to elude every attempt like this to force it.

The opinion of the mover of this resolution as to the effect it will have upon the public credit differs from my own as widely as the zenith from the nadir. In my judgment, a more direct step toward repudiation could not be taken. Instead of strengthening it must surely undermine the public faith in the proportion that it adds to our burdens.

It does not exactly appear wherein this mercurial thing called credit differs, whether applied to a Government or an individual; and is it not plain that the credit of an individual, though solvent, might be utterly ruined by the judgment of a competent tribunal, that his business obligations, though not due till years hence, were dischargeable "in coin or its equivalent?" A similar effect must follow any authoritative declaration by Congress that these public securities must be paid in coin or its equivalent.

The public faith, like private credit, is vulnerable, and even now languishes under the wounds inflicted by the rebellion. At one time it was so far depressed that our most solemn promises passed currently for less than forty cents on the dollar of gold. The payment of the principal in specie was not then discussed nor scarcely thought of. The chief solicitude was how to avoid so great a volume of indebtedness as to render these securities utterly worthless. The value of confederate paper money was then determined by dry measure, and there was much fear lest ours should reach the same standard of value. But wise management, aided by military successes, improved our credit, and happily we avoided any absolute financial catastrophe.

Emerging from a war, which was nothing less than a struggle for national existence, the Government began immediately to liquidate its obligations at the astonishing rate of from one to two hundred million dollars a year. These payments were made in the ordinary currency of the country, the same as the Army and Navy and all the servants of

the people receive when paid their wages at home. Did this fact impair the public credit? So far from it, our credit never improved with greater rapidity, and its improvement was in direct proportion to the reduction of the volume of our indebtedness. Had the same policy continued we would have been much nearer to a specie basis to-day than we are, and nearer by far than we shall ever be brought by a declaration that our securities are payable "in coin or its equivalent."

The credit of the public, like that of an individual or company, depends upon the extent of its indebtedness and its ability to pay, and not upon a facility for making promises; and how that credit is to be improved by an acknowledgment that the debt really amounts to hundreds of millions more than is justly or lawfully owing, passes comprehension. The gentleman from Vermont will concede that such an operation by a person or firm would be ruinous. Instead of relieving from embarrassment it would entirely destroy the credit of any private party, and I repeat that the honest creditor of the country—not the speculator—has no interest in the passage of this resolution.

It is always well to let well enough alone. If we do not wound the faith of the country by these worse than vain declarations, the bond-holders and other public creditors will in due time receive their pay in coin, principal and interest, dollar for dollar. But every movement of this sort, intended though it may be to hasten specie payments, will only postpone the time of their coming. The harvest will yield but straw and chaff if gathered too soon. Sound public credit is a plant of gradual growth. Let it ripen. It cannot be matured by this hot-house process of direct congressional action. Justice, honesty, economy, and the encouragement of industry are the elements, the sun, the wind, and the rains that bring it to perfection.

The country is often reminded that "the faith of the United States is solemnly pledged for the payment of the interest and the redemption of the principal" of these five-twenty bonds, and the fact that such a pledge exists is readily conceded. But what is the public faith? What but the public credit? When used in this manner the words faith and credit are convertible terms, and our faith, our credit, stands pledged for the redemption of the bonds. It was with that understanding the creditors took them, and with the same understanding they are now held. Unfortunately at this present time our credit is considerably below par. But when again it shall be at par, or better than gold, as it has been, still our credit will remain pledged for the payment of all public debts, principal and interest. But the public faith is pledged in another respect, and that is, that we shall not impair our credit by increasing our actual obligations, and thus diminish our ability to pay our honest debts.

This resolution proposes once again to solemnly pledge the faith of the United States, not as heretofore, to the full extent of the credit of the Government, but this time still further, if that were possible, even to the payment of "the public debt" "in coin or its equivalent." This novel proposition will bear examination. The public debt amounts to $2,500,000,000. The equivalent of this sum, while gold commands a premium of forty per cent., is just $3,500,000,000; and this sum is the "equivalent" which it is proposed to pledge the faith of the United States to pay. A large portion of the debt is now payable, at the option of the Government. If it were all payable, and the Government should elect to discharge it in pursuance of this pledge, we should certainly have to pay in some "equivalent," for we have not nor could we raise $2,500,000,000 in coin.

After we had so discharged the public debt, we should owe precisely $3,500,000,000; and as the faith of the United States would still be pledged to pay the public debt in coin or its equivalent, and if the national credit were not at all injured by this splendid financial operation, and gold still commanded a premium of only forty cents on the dollar, we should have to issue this time, in promises to pay, as the "equivalent," just $4,900,000,000, and the next time nearly $7,000,000,000. This line of demonstration might be pursued, like some of Robert J. Walker's theories, down to the year 1901; but the very first step in it shows that such a pledge of the public faith would destroy the public credit.

We have very little to pledge besides the credit of the United States. Of this the Congress and not the creditors are the guardians, and it behooves us to look well to its preservation. It will never be improved by presenting an inducement to every bond-holder to maintain as great a difference as possible between Government notes and coin, until he can receive his "equivalent" in the former. Better far to leave the debt as it is, so that it will be to the advantage of every creditor to preserve the faith of the Government. He will know that upon a restoration of confidence, and not otherwise, he will receive every dollar in coin—not its equivalent, but the full face of his bond in pure gold, as he now receives his interest. Let him be content with his golden eggs as they come, and not suffer himself to be deluded by his avarice into destroying the source from whence they spring.

25,122

REMARKS

INV. 1898.

OF

HON. CORNELIUS COLE,

OF CALIFORNIA,

IN THE UNITED STATES SENATE, FEBRUARY 27, 1869.

The Senate having under consideration the bill (H. R. No. 1744) to strengthen the public credit and relating to contracts for the payment of coin—

Mr. COLE said:

Mr. PRESIDENT: I cannot persuade myself even at this late hour of the session to permit this bill to go to a vote without expressing my dissent to its provisions. I regret that it comes in for discussion so late in the session, for now its discussion must be attended with more or less restraint. I believe the second section of the bill is rendered entirely unnecessary by a recent decision of the Supreme Court. That decision, as I understand it, goes to the extent of sustaining a contract payable specifically in coin, a contract made prior to the rebellion, but the principle enunciated in that case I believe covers all other specific contracts, and is sufficient to sustain contracts made after the passage of the legal tender-law as well as contracts made prior to that, and it will cover all cases of specific contracts which may be made hereafter. If I am correct in this there certainly can be no necessity for the passage of the second section of the bill for any purpose of authorizing specific contracts in coin. But it is alleged that the passage of this section is desired for the purpose of restricting the operation of this decision of the Supreme Court. If so, I am equally opposed to it.

I am also opposed to the first section of the bill, which declares that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States except in the cases where the law authorizing the issue of any of said obligations has expressly provided that the same may be paid in lawful money or other currency than gold or silver. This proposition was before the Senate over a year ago, and was then very fully discussed. Since that time until these last hours of the session it has been permitted to rest upon your table, and is now brought up, as I believe, without adequate opportunity for its discussion.

The Senator from Vermont [Mr. EDMUNDS] this afternoon congratulated the country on the advances made toward sustaining the honor and good faith of the country. It seems to me his congratulation would have been more applicable had it been directed to the bondholders for their advances upon the interests of the tax-payers, of the aggressions of the creditors of the country over the labor and industry of the country.

We are told by the chairman of the Finance Committee that it is only intended as a declaration of policy; but what are we to understand by this? Is it to be merely a vain and empty declaration of policy, or is it to be a solemn act of Congress, a declaration of law, which is to be binding upon us? It seems to me the latter will be its force and effect if it passes.

Perhaps it is well that this question should be disposed of without further delay, in order that the people may know with some degree of certainty the weight of burden upon them. If they really owe the whole $2,556,000,000 in gold coin, as the passage of this section will indicate, or the equivalent of that sum in currency, amounting at the present rate to about thirty-three hundred and fifty millions, the sooner it is proclaimed the better. It can be of no advantage to the people to fondle a delusion, however pleasant, which must finally cost them hundreds of millions. It is customary to speak of the national debt as about two and a half billions, but if we owe the whole of this $2,500,000,000 in gold dollars we actually owe about three and a third billions, as we usually estimate money.

If, as is alleged, it will improve our credit to put forth the statement that our national debt is three and one third billions, I am sure there is no rule by which that proposition can be demonstrated, and the result must depend upon a trial for its proof. I believe the hope is father to the opinion and the latter a most illegitimate production.

With an acknowledged indebtedness of $2,500,000,000, honored in all respects according

to the strict letter of the obligation, our securities are worth less than seventy-five cents on the dollar, can it be said that by largely increasing the indebtedness, as this proposition virtually does, our credit will be improved? However clear this may seem to the bondholder it has not yet been made so to the debtor. The people will never take that view of the case. An insolvent whose available assets are unequal to his obligations, and whose credit in consequence is below par would not expect a favorable result from a similar transaction. It would take a long time for him to reëstablish his credit by the process of adding voluntarily to his indebtedness. If unfortunately one is unable to meet his currency obligations he cannot improve his credit by acknowledging the indebtedness to be upon the basis of coin and by binding himself to pay all in gold. Such a step on the part of a person or firm would be regarded as rash in the extreme, and instead of improving would work an utter destruction of credit.

What is to be gained by the adoption of this proposition? It will not of itself pay a dollar of our obligations even in greenbacks, much less in gold. It will not dispense with a single exaction. The tax-gatherer will come as before and be not a whit less extortionate.

An admitted indebtedness of $3,300,000,000 will afford a better pretext, if one shall be wanting, for demanding a larger percentage on your small salary and mine. It will furnish a strong argument for increasing taxes and tariffs, which are already too high. The debtor class, the people, the labor of the country, which after all has to pay the debt, would repel this monstrous proposition at once could they be heard. The people do not nor have they ever asked by petition or otherwise for the adoption of the principle embodied in this bill, and their creditors have no shadow of right to demand it. The form and substance of the bonds are prescribed by the public laws, and in accordance with them interest is paid regularly in gold. Let their holders be content with what is nominated in their favor, lest popular impatience should eventually require the utmost exactness in taking the pound of flesh.

It is not easy to divine the real object of this proposition. The debt is either payable in gold or it is not. If it is payable in gold as the law now stands then there can be no neces sity for its passage. It would only be a vain repetition of an existing fact, and any number of reiterations would not alter it. But if, on the other hand, a large portion of our debt is not payable with gold dollars it would be great injustice to the debtors to declare it so payable while any description of lawful money bears a less value, dollar for dollar, than gold. Suppose my note is in bank for $1,000; if the banker can exact of me its payment in gold, the gold being at thirty-five per cent. premium, my debt is actually $1,350, and my banker would not relieve my anxiety nor improve my ability to pay by graciously informing me that it is not due till some time hence. Such a demand, if it could ever be enforced, would tend to impair rather than improve my credit, and no sophistry could prevent that result.

Is it in a spirit of braggadocia that this declaration is sought to be enacted? Is our contempt of a burden of $2,556,000,000 so great that we ought voluntarily to shoulder about seven hundred millions more? Can we prove our ability to pay $2,550,000,000 by voluntarily, or at the dictation of our creditors, adding largely to it? To suppose so is to forget entirely that the present amount, mostly due as it is in a medium easiest to raise, weighs down our credit to a deplorable degree.

I am not unmindful of the indignation, assumed or otherwise, which bondholders manifest toward those who, like myself, believe that it is not unfair to pay in kind, if of equal or greater value, this borrowed money, and that the creditor has no right to demand coin for his greenbacks unless the contract calls for coin or unless we are paying coin when they become due; but at the same time I will not forget that the people, the many, have rights no less sacred than the fortunate few.

The $283,000,000 of 1881 bonds ought to be and unquestionably will be paid in gold, as they were mostly purchased with that commodity. In like manner the $221,000,000 of ten-forty bonds must be paid every cent in coin; for upon those terms the loan was made. But what justice or equity demands that the five-twenty securities should be paid in a different medium from that with which they were purchased, especially if that medium possessed a value far greater than it had at the date of purchase? All this loud talk about the dishonor of a refusal to respond to this extraordinary demand of the bondholder shall pass by me as the idle wind. Repudiator is one of the commonest appellations indulged in against the opponents of this measure; but that name is equally applicable to him who refuses his purse to the footpad.

I have already said that if the five-twenty bonds were really payable, as this bill attempts to declare, in coin, or its equivalent, there could be no necessity for its passage; but the very fact that the measure is brought forward is a palpable confession of the truth that they are not so payable. The letter and spirit of the law are in harmony; and these bonds should be discharged, like the ordinary and multifarious obligations of the country, in any lawful money—in gold if we are paying gold when they must be paid, and if not, then not. Should business reach a specie standard before these bonds become due, of which there is some hope provided we do not rashly forfeit our credit, as is now proposed, the holders of them would have nothing either to complain of or deplore, for they would be paid in current gold dollars. But here we are met with the statement that we are soon to reach specie payments in spite

of events, and that the five-twenty bonds will in that case be paid in coin, and the passage of this bill therefore can do no harm. The fallacy of such a position is easily exposed. If we could arrive at a gold basis without much delay, and notwithstanding this proposed action the statement would possess considerable force. But some calculation is admissible to determine the effect of adding this $700,000,000 to our acknowledged indebtedness.

Before the war, when we owed but a few millions, not more than fifty or sixty, United States bonds commanded a premium of fifteen or twenty per cent.; but when that indebtedness is run up to $2,556,000,000, they are thirty-five per cent. below par. If it were increased to $3,300,000,000, they must go still lower, and we should be fortunate if we escaped financial ruin like that which overtook this Republic at an earlier period of its history. It may have escaped the attention of some who ought to remember the historical fact that millions upon millions of the old continental or sage-leaf money became utterly worthless, and very many citizens who had exchanged their property, the produce of their farms and workshops, for it were utterly ruined. It is true that as a nation we were then weak and poor, and, boasting aside, we are comparatively so still, certainly poor if we may judge from the rate our securities bear in the markets of the world. Our population was then four millions, it is now ten times that number; but if I mistake not our debt is nearly as large in proportion to population as that which our forefathers neglected to pay.

But we are told our resources are inexhaustible, and much calculation is made upon a great unborn population and boundless wealth yet undeveloped. A ready response to this is furnished in the fact that our ancestors had all the undeveloped wealth of the new world, all that has since been developed and all that will be forever hereafter, and still they flatly repudiated.

We expect to discharge our debt in full, principal and interest, down to the last cent, but it may be well to suggest to the creditor before hundreds of millions are unnecessarily added to our burdens that our fathers survived the death of the continental money, and the action of Washington and his compeers in this regard is not even remembered against them.

The persistent effort of the bondholders to carry their point by appeals to our fears and false pride may eventually succeed, but a victory gained by such device would be no less dishonorable than the worst form of repudiation, and in my judgment far from advantageous to those who are urging it. It may result in utter discouragement of the people.

It was a great mistake in the first place to make the interest on any portion of the public debt payable in coin. The object was to tempt the cupidity of money-lenders, and it succeeded admirably; but it was a most unfortunate step for the Government. Better have resorted to more stringent taxation, or even to forced loans, than to have submitted to this exaction. Capitalists were more interested in the suppression of the rebellion than any other class of people, and their property should have been required to contribute to its overthrow without any extraordinary inducement such as gold interest or high premiums upon loans. The consent of the drafted man to render his service was never asked; he was compelled to march and to fight, and the capital of the wealthy is not more sacred than the life or limb of the poor. If "it is sweet and becoming to die for one's country," it ought to be equally agreeable to surrender a portion of one's property for the common safety. There was really no overwhelming necessity for this promise to pay interest in coin, and had half its evil results been forseen it would never have been made. About the only public advantage I am able to see in that provision is found in the fact that it prevents the exportation of an amount of coin sufficient for that use. It is but poorly disguised, even by the able and ingenious arguments of Senators, that by far the greater portion of the coin that was in the country before the war has gone abroad, and the principal obstacle in the way of getting back to specie payments will prove to be the want of specie itself.

An unintentional confession of the need of coin in the country before its use can be resumed appears in the persistent effort of its advocates to show that a large amount is already in the country, whereas, in fact, the amount is extremely limited. One hundred million dollars—a little more or less—are in the Treasury, but not nearly as much beside, in my judgment, in the country all told. But for this requirement of coin to pay interest there would have been no necessity for even this $100,000,000 which revolves over and over in connection with the Treasury, and that, too, would have sought a foreign market. This solitary advantage, however, weighs but lightly in the balance against the disadvantages to the country from that source. The obligation to pay interest in coin presents a strong inducement for the holders of securities to depreciate their value. It is too plain to need more than the bare assertion that the lower the price of such bonds the higher will be the yield of interest on the capital invested in them. Six per cent. gold interest on a bond at par is equal to twelve per cent. when the bond is worth only fifty cents on the dollar, and nine per cent. when it is worth but seventy-five cents on the dollar. The holder of securities bearing gold interest therefore has a powerful incentive to decry their value in the market. He puts money in his pocket precisely in proportion as he injures the public credit.

It is impossible to tell to what precise extent men are governed by their own interests, and equally impossible to prove that the extremely

low price of United States bonds all along is attributable to this cause; but I cannot withhold the belief that it has had very much to do with depressing their value. That the bondholders have it in their power to affect the public credit at any time few will deny; and the only question to consider is whether or not their interests would lead them in that direction. The reduced rates of our securities in the markets of America and Europe is a profound mystery if it cannot be ascribed to this influence. The United States six per cent. securities are hardly second to the best in the world, and ought to command a large premium; but the German banker, with an outlay of $75,000, draws his six per cent. gold interest semi-annually on $100,000, which is equivalent to nine per cent. on his capital. He at least can have no motive in building up our credit while more bonds can be purchased. By reducing it he adds to his capital and his income.

Suppose the bonds were silent as to the kind of interest to be paid, and the interest were discharged regularly in current money the same as all other obligations of the Government, the case would then be precisely the reverse. It would then stand the creditor in hand to build up the public faith. He would gain in that case by the enhanced value of the money he received as interest, and every detraction from the credit of the Government would result directly in loss to each and every bondholder.

Further argument upon this head seems superfluous, and I hasten to notice the disadvantages of recognizing a distinction between coin and the Government currency. But when this distinction is so clearly acknowledged by the Government itself as it is in paying all its ordinary obligations in paper and interest on the public debt alone in coin, the people individually cannot avoid discussing it, and comparisons are often drawn unfavorable to the public credit. This leads to frequent disparagement of the Government securities, and it turns out that these paper promises are a much better representative of the public credit than of dollars. The reputation of a Government, like that of an individual, for solvency is impaired by being much questioned.

We have long been hoping that by some means we might succeed in funding our national debt into a security bearing a less rate of interest. Plans for that end have been introduced almost without number, and the committee that reports this bill have brought forward at least one plan during this session for the funding of the public debt. But pass the bill and you will have reached the end of the question of funding the public debt. It will be utterly impossible to effect loans at a less rate of interest than that which these bonds which are already issued bear. When we agree to pay the principal and interest in gold, interest at six per cent., who will be induced by any motive you can present to take a bond at a less rate of interest? No one. The suggestion is absurd. The debt will not again be funded.

It will be remembered that the public debt affords an opportunity for a very large proportion of the capital of the country to escape taxation entirely, and as a consequence the burdens of taxation fall the heavier on the remaining property. The interest on the public debt, therefore, should be no higher than the ordinary net profits on prudently conducted business. It should in no case exceed the clear income upon money otherwise invested and subject to taxation, which, as a rule, falls far below six per cent.

Every inducement presented to capital to evade active employment is a disadvantage to the public. Its tendency is to stifle industry and retard the increase of fixed capital. And from this cause possibly it may turn out that too high an interest is disadvantageous in the long run, not only to the producing classes, but to the bondholders themselves. The best rule for all is to pay regard to the interests of all—the poor as well as the rich, to labor as well as capital, to the unfortunate as well as the fortunate. I fear the tendency of much of our legislation is to make the rich richer and the poor poorer. This is not an unnatural result of the great calamity of civil war and the creation of a large creditor class in the Republic. The rich and powerful are always vigilant and active, while the poor, intent alone upon their own subsistence, are apt to overlook their rights.

But the eternal principles of justice can never be violated with impunity. While we render unto Cæsar the things that are Cæsars the more humble citizen must not be neglected or forgotten.

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REMARKS

OF

HON. CORNELIUS COLE,

OF CALIFORNIA,

IN THE UNITED STATES SENATE, JANUARY 14, 1870,

Mr. COLE. I desire to call up Senate resolution No. 82, with a view to having it referred, and at the same time, before the reference, offering some remarks upon it.

The VICE PRESIDENT. The Senator from California moves that the Senate proceed to the consideration of joint resolution (S. R. No. 82) relating to the seizure of distilled spirits in California.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

Mr. COLE. Mr. President, before the Christmas holidays I sought an opportunity to call up this resolution (No. 82) for the purpose of referring it to the Committee on Retrenchment; but the pressure of executive and other business crowded it out, and I now avail myself of the first opportunity to carry out the purpose then entertained of making a statement of the reasons that induced its introduction.

As stated in the preamble, a large amount of distilled spirits were seized a short time ago by the collector of internal revenue in San Francisco, for alleged violation of law in reference to the payment of taxes. These spirits were shipped to California from the Atlantic side, I believe from the port of New York; but they were manufactured and mostly owned in Ohio and Kentucky, the business being done through liquor houses in New York and San Francisco.

The quantity seized was some thousands of barrels, worth toward a quarter of a million dollars, and, as might have been expected, so large an interest called for the most strenuous exertions to obtain its release. The faithful and resolute officers making the seizure came in for an ample share of abuse from the owners of the liquors and their agents, and when all those means failed which always fail when attempted upon conscientious officials, the graceless business of breaking down and removing those officers was vigorously entered upon.

The supervisor of the Pacific coast, a competent officer, was invited to resign, and the supervisor from the District of Columbia and Maryland, a Mr. Fulton, accompanied by a General Cowen, from Ohio, to act as his clerk or aid, were sent out to California for the ostensible purpose of investigating internal revenue matters there. The sequel shows how faithfully they performed their work, and possibly what the real object of their mission was.

It should be remarked in passing that those gentlemen had been in California but a short time when General Cowen, though an entire stranger, was nominated and appointed supervisor for that State; so that we were favored at once with two officers of the same grade, both exotics, the one from Washington but formerly from Ohio, and the other from Washington or Ohio, as is most convenient, both good men and true no doubt, true to the interests of Washington and Ohio, if not of California. These things occurred less than two months ago, but excited not much attention until what appeared to be sinister purposes began to be developed in the transaction.

As a representative of the Pacific coast, and naturally feeling an interest in the good name of that section, I was not a little mortified and astonished to see in the Chronicle of this city on the 25th of November, under the head of "Departmental—Official and Political," the following, evidently intended to pave the way, a sort of forerunner of an anticipated result:

"*Supervisor Fulton's visit to California.*—Mention was made in the Chronicle recently that Supervisor Fulton, of the district embracing Delaware, Maryland, and the District of Columbia, had been dispatched to California by Commissioner Delano; but the object of the visit then appeared to be secret, some being of the opinion that it was merely intended to be one of those official visits embracing more of pleasure than business. It now appears, however, that Commissioner Delano, in this instance, as in all others, ordered the visit with purely business intent. In fact, Commissioner Delano had received information that pretty well satisfied him of the existence in that region of immense frauds on the revenue,

and he determined to fully bring to light and expose them, and, if possible, bring the perpetrators to justice.

"During the latter part of 1868 the Government ordered to that country a special Treasury agent named Samuel Purdy, with instructions to look after the interests of both the internal revenue and customs departments, and an extended printed report was submitted by him to Congress at the request of that body. Statements therein embraced and sworn to left no room for doubt that fraudulent transactions had been indulged in that State, and that there were officers of the Government deeply interested. Some of this class of men it is believed are in office yet, and Supervisor Fulton will give them his attention.

"In Mr. Purdy's investigations he was assisted by revenue officials who appeared to do so in good faith, but who it was soon ascertained were only endeavoring to retard the examinations and to lead the investigators astray. Bonded warehouses containing some five hundred thousand gallons of spirits were thoroughly inspected, and soon fully sufficient frauds appeared to cause Mr. Purdy to carry the matter to the courts. During the judicial investigations it was soon made manifest to the prosecution that several United States officials had privately obtained confessions of judgment by threats and otherwise where no frauds existed. Distillers who were afraid that some phase or technicality of the law might operate harshly against them were led into these confessions rather than stand the test of the law and probably heavy costs attending a proposed compromise. No receipts were passed in many such cases, and consequently no returns of money were made to the proper authorities. In some of these cases, as appears from this printed report, well-paid witnesses appeared on the stand, and the acquittal of accused and guilty parties was the result.

"From San Francisco fine liquors were shipped in bond, but when the vessels would arrive at their destination the casks were discovered to contain water only, which naturally led to the belief that the liquors had been drawn out at some intermediate point on the voyage, and the consequent vacuum supplied with water.

"It is estimated that the covering up, at least temporarily, of many fraudulent transactions cost the perpetrators many thousands of dollars. At all events rich developments are expected to be made to the Internal Revenue Bureau within a few weeks by Supervisor Fulton, for he is one of the most energetic officers in the service of the internal revenue department."

Knowing some of the statements in that article to be entirely false, and a portion, at least, of the insinuations to be utterly groundless, I could not but suspect that some motive not altogether justifiable instigated its publication.

The information in the article, beyond question, emanated from some one in the Internal Revenue Bureau. The whole tone and tenor of the tirade demonstrate that fact. "Commissioner Delano," says the writer, "in this instance, as in all others, ordered the visit of Fulton with purely business intent," and no doubt it was true he meant business. But the writer continues:

"In fact, Commissioner Delano had received information that pretty well satisfied him of the existence, in that region, of immense frauds on the revenue, and he determined to fully bring to light and expose them, and if possible bring the perpetrators to justice."

That sounds well at least. It is positively good. It is in the highest degree patriotic. It is the duty of every officer of the Government and every citizen to bring to light, expose and punish frauds upon the revenue, and I freely promise the Commissioner my support in all such exertions; and that is my task at present. If it should turn out, however, that the frauds were not "in that region," California, but in the region of Cincinnati, Louisville, New York, and other places on this side of the continent, it may be some relief but it will be no gratification to my constituency. They are not a people to rejoice in the calamity of anybody. While they love justice they do not exult over the misfortunes or misconduct of their fellow-men.

We were promised "rich developments to be made to the Internal Revenue Bureau within a few weeks by Supervisor Fulton." The few weeks have now past and we are having some rich developments, but not so much affecting the officers and people of San Francisco as the officers and people closer at home.

A report of Samuel Purdy, who was sent to California under Johnson's administration to make up charges against faithful officers there, who did not agree with that Administration, was made the pretext, in part, for the mission of Fulton. The trifling, *ex parte*, and exceedingly unfair report of Purdy was already here. It had been printed on the motion of a reputed Republican member of the other House, no Democrat, I presume, being found so completely imbued with injustice as to call for the promulgation of so iniquitous a document. It was thus paraded before the world, but to every impartial mind bore upon its face the plainest evidences of the malevolence that instigated its production. Fortunately for the interests of the Government and the reputation of the officers the antidote accompanied the intended poison.

Some of the officials who were the object of Purdy's pointless shafts are the same who have lately seized the whisky in San Francisco, and it is concerning them that "rich developments" by Supervisor Fulton were promised. The happy idea was conceived by some one in the interest of whisky and political wickedness, that the secret, *ex parte*, star-chamber-report game might be played over again, and perhaps this time with better success, in which event certain officers would be removed and near a quarter of a million dollars' worth of fraudulent whisky would certainly be released from custody.

Of this Supervisor Fulton I know but little, but something. He is pronounced in the article above quoted "one of the most energetic officers in the service of the internal revenue department." This, however, I do know of him, that before he proceeded on his mission of rich development to California he had full and free conferences, in this city and in Baltimore, with the agents and attorneys of the parties whose whisky was under seizure. His going on that mission was known to them sometime before his departure. It was known to them soon after, probably as soon as his going was concluded upon, the principal attorney of the whisky party being early put in communication with said Fulton by the Commissioner himself.

On his arrival in San Francisco he immediately set himself about making so much of an

investigation of the seizures, and no more, as would afford him a shallow pretext for recommending a release; and he did recommend to the Department in Washington a release of the spirits without giving the seizing officers the least opportunity to present facts in justification of the seizures. Those officers endeavored time and again to induce this eastern emissary to hear the reasons for their action, but in vain. It seemed to be no part of his errand to ascertain from the only proper sources the grounds for the seizures. The officers proposed to demonstrate by redistillation in his presence, by the analysis of the best chemists, and in various other ways, the correctness of their procedure, but all appeals to the justice of this energetic supervisor were useless. In the shortest time that could at all be justified his report is forwarded to Washington recommending a release of all the spirits. Upon that report its discharge has been recommended by the internal revenue department, as I am informed from various sources, as well as by the following, which appeared in the city papers December 25, last month, a sort of official statement, headed "Departmental—Official and Political:"

"*Internal Revenue Affairs in California.*—A Washington correspondent telegraphs that Supervisor Fulton, of Baltimore, who went to San Francisco a short time ago to examine into revenue matters there, especially in regard to whisky shipments to that section, has forwarded his report to the Department. It appears that the California revenue officers in attempting to protect local distillers have embarrassed the receipt of spirits from the Atlantic States by seizures, thus provoking dissensions between the mercantile interests of the Pacific coast and the merchants of the East. Supervisor Fulton recommends the release of the whisky seized. The report and recommendations have been submitted to Commissioner Delano, and a commission of Revenue Bureau officers have been approved and confirmed. The matter has also been submitted to Secretary Boutwell, and there is no doubt he will concur in the recommendations also. Steps will be taken to prevent the annoyance to eastern shippers in future."

The steps here promised to prevent annoyance to eastern shippers in the future is doubtless to have officers on duty in California who will not annoy such shippers, even if the officers have to be imported from Ohio and Washington. If the offices in California can be filled by agents of the western whisky owners, or at their dictation, such annoyance in the future will cease. But the release of the liquor has not yet been actually effected, the case, being now, as stated, before the Secretary of the Treasury. It was upon the presumption that the matter would be determined by persons subordinate to the honorable Secretary, or that in the multitude of most arduous duties devolving upon that very distinguished and reliable officer it would be impossible for him to make a personal examination of this case, that I presented the resolution. Had I felt that he could give the matter ample attention I might have forborne the step, though it was loudly called for by the report of Supervisor Fulton, the recommendations of the solicitor of the internal revenue department, and others.

Seeing a great wrong about to be perpetrated upon my constituency, I interposed this resolution to prevent it if possible. The resolution I hope will be referred, as all joint resolutions by the rules must be, when the committee can make needed alterations, and then I hope it will pass.

In justice to the officers in San Francisco I now give the following telegraphic correspondence between the office of the revenue collector and the Commissioner at Washington.

On the 29th of July the following telegram was sent:

SAN FRANCISCO, *July* 29, 1869.

Hon. C. DELANO, *Commissioner, Washington:*

Several hundred barrels of low-proof whisky landing here from Ohio, Kentucky, and Illinois, in original warehouse packages, pronounced by experts to be rectified. What shall I do?

L. CURTIS,
Deputy Collector.

Answer:

WASHINGTON, *July* 31, 1869.

L. CURTIS, *Deputy Collector, San Francisco:*

Analyze contents, and if found to contain any foreign matter or to be rectified, seize and report finally.

C. DELANO,
Commissioner.

Mr. Curtis then placed samples in the hands of several chemists, and received the following certificates from them:

SAN FRANCISCO, *July* 30, 1869.

SIR: The sample of high-wines on evaporation leaves a residue of eighty-five hundredths of one per cent. of sugar and a little coloring matter.

Yours, respectfully,

JAMES HOWDEN.

HENRY P. WAKELEE, esq.

—

DEAR SIR: The above statement is the result of analysis of the sample of high-wines you left with me, by my chemist, Mr. Howden.

Yours, respectfully,

H. P. WAKELEE.

Mr. CURTIS.

—

STATE ASSAYER'S OFFICE,
SAN FRANCISCO, *August* 5, 1869.

DEAR SIR: I have carefully analyzed the sample of alcohol marked "Stag Head," placed in my hands for examination by you, and find the same to contain one fifth of one per cent. of sugar.

Respectfully, yours,

[Seal.] LOUIS FALKNEAU,
State Assayer.

Mr. L. CURTIS.

Several experts were consulted, all of whom agreed in pronouncing the liquors rectified liquors ready for delivery as beverage over the bar.

In compliance with the above instructions Mr. Curtis seized about two thousand five hundred barrels of whisky. This took place about the 12th and 15th of August; and so the matter rested until it was determined that by hook or by crook these spirits should be released.

After making the seizure Mr. Curtis reported the same to Commissioner Delano, and on the 16th day of September he sent samples of the principal lots seized, with a copy of the certificate of analysis, and asked that the matter be left to the decision of the United States courts. The law requires that spirits shall be run directly from the still through closed pipes to a receiving cistern in a room of which a United States officer keeps the key; it is then drawn off into barrels and immediately placed in the distillery warehouse, first affixing a warehouse

stamp, and it remains in custody of the store-keeper till the tax is paid, when a tax-paid stamp is affixed, and the spirits are then delivered to the owner. Up to this time it will be observed that the spirits contained in those casks and represented by those stamps must be pure high-wines. If after that it undergoes any change, either by redistilling, sweetening, or coloring, the warehouse and tax-paid stamps must be erased and a rectifier's stamp put on. Under this interpretation of the law the seizure was made.

And a more careful, dispassionate, and deliberate procedure can hardly be pointed out in the whole history of the revenue service. Every step was taken that could be taken to determine the fraudulent character of the spirits, and when that fact was determined beyond a peradventure and by the direction of the head of the bureau the seizure was made, but, of course, without the expectation that strenuous exertions would so soon be made from the same source for the release of the property and the destruction of the officers seizing it.

Justice to my constituency requires that I should take notice of the following dispatch, which bears the distinct ear-marks of an emanation from interested parties here:

"CHICAGO, *December* 22.—The Tribune's Washington special dispatch says Supervisor Fulton, who went to San Francisco in reference to the large seizures of eastern whisky belonging to Kentucky and Ohio parties, reports to Commissioner Delano recommending the release of the whisky. He expresses the opinion that the shipment from New York was in regular order, and the change in the color complained of as evidence of fraud was due to charring the barrels. The evidence goes to show that the deputy collector was in a plan to drive out and keep out eastern whisky. It is also charged that leading financial influences in San Francisco combined for that purpose; and as part of that scheme no quotations of whisky appeared in the papers of that city for three months. When the late removals of revenue officers were made three different names were submitted to Commissioner Delano by the 'ring,' but on investigation it was discovered that charges were pending against each of the persons recommended, which, if proved, should send them to the penitentiary."

I hold in my hand files of the Commercial Herald and Market Review and San Francisco Market Review which show that full and complete quotations of whisky have appeared regularly in the papers of San Francisco. The other leading papers of that city exhibit the same fact, and that misstatement is fully exploded.

The statement that there "was a plan to drive out and keep out eastern whisky" is equally groundless. The plan is to compel eastern whisky to pay the just exactions of the Government as the whisky manufactured in California is compelled to do, nothing more. When it has done that it will find as uninterrupted a market in California as in any other part of the country whatsoever. So far from there being a plan to drive out eastern whisky, no person on that side of the continent except the seizing officers knew anything about it, and so far as they know the Commissioner alone on this side knew of it.

It is heralded to the world that "three different names were submitted to Commissioner Delano by the ring." What ring? The names were submitted by me alone, for their eminent fitness, and without consultation with any one and not in pursuance of the request of any person. But such are the desperate straits to which the whisky interests are driven and such their base resorts.

The office of collector of internal revenue in San Francisco became vacant December 8, by the death of the incumbent; and not only three names, as stated in that dispatch, but an additional half dozen of the most reputable citizens of California were submitted in turn to fill the vacancy, and it will astonish many good people to learn that those names were all sent by Commissioner Delano through the telegraph to these strangers from Ohio, Fulton and Cowan, to report upon their fitness; and that those worthies reported that they were all unfit men, and some of them, not naming which, were guilty of crimes. The names so submitted were all gentlemen of the highest character and most unblemished reputation in San Francisco, where they reside; but these Ohio whisky emissaries have the unbridled audacity and unparalleled impudence to pronounce them unworthy the trust for which they were named. But "steps were to be taken to prevent annoyance to eastern shippers in future."

Millions of dollars have been made by sending untaxed whisky to California, and the business must not be interrupted. The Government has been defrauded out of these millions, and this cheating must be continued. To accomplish these ends the whisky thieves, the defrauders of Government, must have the selection of their own agents to fill the offices in California; and before the death of the late lamented Collector Rawlins—as honest a man as his most excellent brother, the late Secretary of War—it was determined by Fulton and Cowan to remove him and put in his place one who could more easily be handled for their interests.

I confidently expect the coöperation of the Senate, and of the President, and of the Secretary of the Treasury, to prevent a consummation of these outrages. No community in this Republic has ever before been subjected to such indignities. The magnitude of the insult is only equaled by its boldness, its audacity.

The impression is prevalent that the tax upon distilled spirits is collected up pretty closely under the present administration of the internal revenue office. This is a mistake; a very large amount escapes taxation entirely. The popular error arises from the fact that during the fiscal year ending June 30, 1868, the tax collected upon spirits amounted to only $18,655,631; whereas during the next fiscal year (the last) the amount from the same source was $45,026,402. But to reach the true state of the case it should be borne in mind that on the 1st of July, 1868, twenty days before the passage of the law reducing the tax upon spirits from two dollars a gallon to half a dollar, there were in

bonded warehouses, well secured for taxation, the enormous amount of 27,278,420 gallons. The tax upon this at that time would have amounted to $54,556,840, which added to that actually collected would have summed up for that year $73,212,471. But the spirits in bonded warehouses were required by the law of July 20, 1868, to be withdrawn and the tax paid thereon before the end of the last fiscal year; so that the tax upon this large amount in warehouse was added to the tax upon the manufacture of that year, and there has actually been collected upon the manufacture of the last fiscal year the tax upon considerably less than 40,000,000 gallons. It is true that during the same period there were manufactured, in addition, some 16,000,000 gallons, which remained in bonded warehouses tax unpaid. It appears therefore, that the total amount of distilled spirits accounted for to the revenue department for the year ending June 30, 1869, of the manufacture of that year, was less than 56,000,000 gallons. The amount of distilled spirits produced in the year 1860 was 88,002,988 gallons.

The product has been steadily increasing, and it must be apparent to the most casual observer that many million gallons escape taxation every year even under the present moderate exaction of fifty cents a gallon. But at the low rate of fifty cents a gallon the tax is one hundred per cent. *ad valorem*, a rate which has afforded a sufficient inducement for an evasion of the tax laws when applied to other articles, whether of domestic or foreign production; and the history of this article will show that it is not the least liable of all commodities to escape taxation. I regard it as a fact quite indisputable that the revenue is defrauded out of millions of dollars due upon whisky annually. Only a few days ago we read in the papers that "an investigation into the affairs of a single whisky manufacturing firm" in Cincinnati "shows that its profits during the year amounted to nearly a million dollars, upon which no tax has been paid;" and it was stated that other developments, no doubt "rich developments," were anticipated in the same quarter. These vast whisky frauds in Ohio will account in some degree for the shipment of free spirits from there to the Pacific coast. The amount of fraud upon the revenue in that quarter is immense.

These Cincinnati frauds, it appears, were discovered during the absence from "that region" of Fulton, and Cowen, and Barnes, and Smith, and Dunn, and Heaven only knows how many more, who were searching in vain for some dereliction of duty on the part of the officers in California. The question very naturally suggests itself why such very vigilant officers, and so many of them, did not make these discoveries before they left this side of the continent; and persons might be uncharitable enough to conclude that if they had remained at home in Ohio the frauds there never would have been discovered.

The "rich developments" promised for them in California by the departmental writer in the Chronicle has resulted in the arrest by them of two small boys, in San Francisco, for selling matches without a license. These two poor little lads were taken with pompous show before a United States commissioner, examined, and in default of bail were sent to prison. This, so far as I have been able to learn, is the extent of the development of fraud in California by these five astute Ohio whisky detectives.

Failing to find any ground of complaint against the officers who had captured their fraudulent whisky, they as in duty bound cast wildly about them for an opportunity to wreak their impotent vengeance upon somebody else in California. But before their work was completed, while they were yet in the midst of their business, and the day after this resolution appeared in the San Francisco papers, one of the five, the newly made supervisor Cowan, posts back in hot haste to Washington, and has been here already several days avowing his purpose to be to secure the confirmation of a certain person for collector, whom I avow to be the selection of Fulton, Cowan, and company.

Do you believe, sir, that Ohio whisky had anything to do with their mission? If not, why comes this B. R. Cowen from his new field of duty, with so much speed, back to this capital when the plan for the release of the whisky is interrupted? Why this marked, this manifest solicitude in particular circles to release the whisky and to destroy the reputation of our officers?

The only justification before Heaven or humanity for this extraordinary conduct would be the development of some marked official misconduct in the office of internal revenue collector in San Francisco; but, sir, I am informed, and I have sought information upon the subject, that after the most strenuous exertions of this brigade of spies and detectives from Ohio, only a very few most trifling irregularities are reported, and these without any opportunity for explanation on the part of the collector's office or parties accused.

I assert it as my belief that no internal revenue collector's office in Ohio, nor in any other part of the United States, has been more ably and faithfully administered than the one in San Francisco; and in this I am sustained by the facts.

A larger amount has been collected there than in any other city of equal wealth and population, and notwithstanding the changeable character of the population, the assessments are collected up closer there than in any city of which I can find the returns and at a smaller percentage of cost than in other districts where about the same amount is collected. During the last year of the high tax upon whisky, this part of one congressional district, San Francisco, paid within a small amount as much tax upon that commodity as the ten metropolitan districts of New York city and Brooklyn, including the celebrated thirty-second district. In fact, while the whisky tax was evaded everywhere else, in California it was and has always been honestly and squarely paid.

In the long and tedious process of sending whisky from the distillery in Kentucky or Ohio, by way of New York and Cape Horn, to San Francisco, many opportunities are afforded for evading the tax upon it in whole or in part; and California is literally flooded with untaxed eastern whisky, while her distilleries are compelled to lie idle and her grain permitted to fall to the earth for the want of a market. If the whisky shipped from the East to the Pacific coast paid its tax as does that which is manufactured in California, the latter would not be driven out of the market as it is. Grain is abundant and cheap in California. It is cheaper there than anywhere else in this country; labor also is as low in that State among the Chinese, and capital is not wanting to run distilleries. The climate is unsurpassed for the business of distillation, and yet near three million gallons have been sent from this side to supply that market during the last year. When it is considered that these spirits are taken from some interior town in Ohio or Kentucky and transported to Louisville or Cincinnati, thence to New York city by rail, and thence all the way round to San Francisco, eighteen thousand miles, incurring the heavy expense of carriage by railroad as well as by sea, repeated storages and drayages, leakage, freight, insurance, interest on the investment, and commissions, the conclusion forces itself upon one's mind that if they honestly pay their taxes they cannot successfully compete with the California production, the original cost of which is lighter and the quality equally good if not better.

To my mind there is no doubt that a very large proportion of the spirits shipped to California from the Atlantic side escapes taxation, and such is the conviction of the people I have the honor in part to represent; a conviction which the mission of Fulton, Cowan, and company is but poorly calculated to dispel. But if there were any doubt after this synthetical statement of the case, it would be removed by the analytical process of investigation which has been applied to it by most skilful chemists in San Francisco, who one and all pronounce it to be different material from that indicated by the stamps on the packages.

After a word or two in vindication of officers and people of California I am done for this day. I shall indulge in this because of the statement, evidently emanating from the internal revenue department, that "immense frauds on the revenue" have been perpetrated in California, an allegation in my opinion made to divert attention from the truly immense frauds elsewhere, not only upon the revenue, but upon the people of California, and because of the threat, emanating from the same source, to bring to justice the faithful and fearless officers of the revenue in California, a threat, as I regard it, intended to conceal the real perpetrators of frauds.

In vindication of both people and officers I shall content myself with pointing to their records, and I shall be happy indeed if their assailants can find an equally ready vindication.

California in population and wealth is far down in the list of States, but she ranks seventh in the amount of internal revenue paid. As a community she is so poor and capital so scarce that money readily commands from one and a half to two per cent. a month in her principal marts, and even higher rates in the interior of the country, and yet she pays within a million or so dollars as much as the great and wealthy State of Illinois, with five times the population, five times the wealth, and a representation in Congress of sixteen members. California has but three Representatives in the other House; Ohio has nineteen. California, I have already said, is a new and poverty-stricken State, but California pays more than half as much internal revenue as the great and wealthy State of Ohio. California paid last year $7,035,888 82, while Ohio, with a population and wealth more than six times that of California, paid only $12,534,956 45. If taxation were to be equal and uniform throughout the Union Ohio, at the rate imposed upon California, ought to pay more than $42,000,000, instead of $12,500,000. How is it that the Ohio people escape these $30,000,000 internal revenue tax, or how is it that California yields $5,000,000 more than her due proportion? It is, sir, because her officers are faithful and administer the law according to the letter and the spirit. And yet that people are subjected to indignity and insult. They are annoyed beyond endurance by men sent out there in the character of sneaking spies and informers.

If there has been dereliction of duty in some of the offices in California it has not, to my knowledge, been made the subject of complaint on the part of the Internal Revenue Bureau against those particular officers. That there are a few unworthy men in that branch of the service in California, legacies of the Johnson administration, as a rule, I am prepared to believe, and have often represented the facts to the head of that bureau, but without the least avail. I make this statement because I am unwilling longer to be held responsible before my constituency for such apparent neglect of duty. I have found instead of a disposition to displace bad officers, only a determination to interfere with the good ones, the persistency in which can find no explanation in justifiable motives.

Mr. President, this is a matter in which, in the first place, the officers making the seizures are interested to the extent of their good name at least, but how much further I know not. The facts already detailed in reference to the character of the spirits raises a sufficiently strong presumptive case against the honesty of their importation; but I find in the regulations issued by the office of the internal revenue a declaration that "the absence of this stamp (for rectified spirits) from a cask of rectified spirits is evidence of a change of package, and will justify a seizure, if the package is not marked and branded as required by section forty-seven." "A neglect or failure to comply with the requirements of section twenty-five, on the part of a rectifier or wholesale

liquor dealer renders him liable to the forfeiture of all spirits owned by him or in which he has any interest, and to a penalty of $1,000. The attention of all officers of internal revenue is specially called to these instructions," &c. If the internal revenue officers of San Francisco with these instructions before them had neglected to make the seizures it would have been good ground of complaint against them, indeed much better ground than supports all the complaints yet made against those same officers.

In the next place, this is a question in which the distillery owners in California are interested. They complain of the too papable unfairness of allowing large quantities of spirits, which have escaped taxation to be brought to their very doors for sale while their capital lies idle, they being compelled to pay the tax upon all their production.

Third. It operates to the injury of the farmers of California. Every man there who raises a bushel of grain that might be converted into spirits has a stake in the question. It is a notorious fact that large quantities of grain in that country fall to the earth for the want of harvesting and that immense piles of it in sacks, along the rivers and railroads, perished in the rains of last autumn for the want of a market. Considerable relief would have been afforded had there been a demand for this grain for the purposes of distillation.

Fourth. Every citizen of California is interested in this, not alone upon the principle that an injury to one is an injury to all, but for the more direct and conspicuous reason that millions of dollars are drained off annually to pay for bad, compounded, and poisonous liquors, foisted upon them in place of the pure and comparatively harmless product of their own coast.

In the fifth place, the people of the whole United States, every tax-payer and person for whom taxes are paid, is interested in this to the extent that taxation should be equal and uniform throughout the country. The escape of one people or class of people increases the burdens upon all others.

And finally, the present Administration is interested in this matter. The preservation of a reputation so exceedingly brilliant in almost every respect is somewhat involved in the proper execution of these whisky-tax laws. It was the shame of the late Administration that it failed to collect the tax upon whisky. It was boldly proclaimed that such tax could not be collected, and in the face of that disgraceful confession the tax was reduced from two dollars to fifty cents a gallon. At the same time with the reduction the machinery for collecting was vastly improved; but it is still far from perfect, since large quantities yet escape.

When the evidence of this is as clear as the noonday sun; when the proof seems to be positive of the infraction of the law, if the matter is not left to the determination of the proper tribunals of the country reproach upon the officers of the Government is sure to follow.

In order to illustrate the magnitude of this question I quote a line or two from the Sacramento Union of recent date. The writer says:

"I have compiled the following figures from the books of the custom-house and internal revenue departments for California. Imported during 1869: brandy, 200,814 gallons; alcohol, 75,000 gallons; whisky, 2,667,476 gallons—the total importations being 2,943,206 gallons of spirits, which, with duty paid, worth on an average two dollars per gallon, amounts to $5,886,592, or nearly equal in value to all the wheat we have exported this year. This comparison will show the importance of this 'whisky war.'"

The question is, therefore, one of very great interest to the Pacific coast. It is far greater than simply a test of the ownership of the spirits now under seizure. It is not merely to determine whether this one hundred thousand gallons should be forfeited or not; that is comparatively trifling. The question involved is: shall the Pacific coast be flooded annually with three million gallons of bad whisky, and our usually stringent money market be subjected to a drain each year of several million dollars to pay for that whisky while our distilleries stand idle, while our laborers are unemployed, and our grain perishes for want of a market? This thing has been going on for years; it has gone too far already. California has suffered enough by it; and I give notice now to all parties concerned, owners, agents, and officers, that, if I can enforce it, Atlantic whisky must either pay its taxes in the future or find a market elsewhere than in California. She shall no longer without protest submit to insults and biting indignities in order that western whisky rings may grow fat out of the wrongs perpetrated upon her.

Mr. President, I move the reference of the resolution to the Committee on Retrenchment, which I suppose is the proper committee to take charge of it.

After remarks by Senators HAMLIN, SHERMAN, MORRILL of Vermont, and CASSERLY,

Mr. COLE continued:

I stated that Mr. Purdy had been sent to California by the last Administration for a particular purpose. I have been informed by persons who ought to know that the report that was made by him was actually prepared by other persons than himself. I know this of that report, that the parties accused in it never had the slightest shadow of an opportunity to explain what was stated in it against them or to vindicate themselves. That is the kind of a report that it was.

Mr. CASSERLY. Will my colleague allow me to ask him a question?

Mr. COLE. Certainly.

Mr. CASSERLY. I ask whether the report of Mr. Purdy is not wholly or in great part made up of the sworn testimony of individuals?

The PRESIDING OFFICER. The hour of two o'clock and fifteen minutes having arrived, it becomes the duty of the Chair to call up the unfinished business which was laid aside informally.

Mr. COLE. I shall detain the Senate but a very few minutes if I can have an extension of time.

Several SENATORS. Go ahead.

The PRESIDING OFFICER. The Senator from California will proceed if there be no objection. The Chair hears none.

Mr. COLE. The Senator from Maine [Mr. HAMLIN] seems to take it for granted that I have by implication attacked in some way the distinguished Secretary of the Treasury. In that respect I thought I had been guarded in my remarks. I complimented him very highly; and I now repeat that no man in this Senate or elsewhere entertains of him any higher opinion than I myself do.

My proposition is to have this subject referred in order that a change can be made in the law, not for the purpose of violating or thwarting the law. I hope a proposition will be reported by the proper committee to put some restriction upon the examinations of cases of this kind entirely outside of the courts, entirely *ex parte*, and without giving the parties on the opposite side the least chance of vindicating their conduct. What are our courts established for unless it is to determine cases of this sort? There is clearly, on the testimony I presented in my remarks at the outset, strong proof that these spirits are different from those indicated by the stamps. I have presented here the reports of the State assayer of California and of the ex-State assayer, and of other skillful persons as to the character of the whisky. It is conceded now on this floor that there is sugar in it. Sugar cannot be found in high-wines such as are represented by the stamps upon these packages to the extent of one fifth of one per cent. nor the thousandth part of one per cent. Sugar does not pass through the pipe in the distillation. It is that which remains as the residue, and any one who is acquainted with the sap that runs from the maple tree knows that sugar is not evaporated; it is that which remains. Sugar is found in these spirits, and that of itself is a fact sufficient to require this thing to be determined by the courts of the country. If your courts are not established for such a purpose they are of very little use and had better be abolished than be permitted to exist.

The distinguished Senator from Maine stated that we should leave the question where the law places it. That is the very question I wish should be determined now. I would leave it where the law properly places it, in the hands of the officers of the law, to determine as to whether this fraudulent whisky, as it is alleged to be and as the proof I have presented here shows it to be, is whisky different from that which the stamps under your strict regulations represent it to be.

I do not know General Cowan. I never saw the man. I know but little of his history; but I judge him as I judge other men, by what they do; and I judge the Commissioner in the same way. I do not care who he may be or what his reputation may be; his actions are the criterion by which to determine whether he has acted properly or not.

One word as to Mr. Cowan's letter which has been read here. Though he puts no fault upon the collector's office that seized this whisky, he finds fault with the gaugers and storekeepers. He forbore, however, to state a fact which I will state. The gaugers and storekeepers are appointed on the recommendation of the assessor alone, and these officers were appointed under the strong protest of the collector's office because they were improper men; and now complaint is made of the conduct of the gaugers and storekeepers, for whom the collector and the collector's office who made this seizure are not at all responsible any more than any one of you, Senators. Such is the unfairness of the statement made by this General Cowan and indorsed by this man Fulton.

I wish this matter to go before the Committee on Retrenchment, to give them a chance to look into it. I do not wish this resolution to be disposed of by a postponement. It would be unjust to do so, and I believe the country would look upon it in that light. I do not know what conclusion could be drawn from such a course of action except that the whisky interests are the strongest in all controversies.

One further remark. There is a statement in that letter that persons appointed to office in California must be persons who are fearless of social ostracism or personal violence. That is a very unjust charge against the people of San Francisco. They will not ostracize any officer. They will treat him with respect; and these officers will be treated with respect, and have been to the full extent that they deserve it. I repel the statement that there is any danger of personal violence to any person appointed to office in California. It has never occurred and never will occur; but that is one of the pretexts resorted to in this scheme to get this whisky released from the proper custody of the law. Why, let me ask you, does that man post back here as soon as he understands that this matter is interrupted? What business has he here in the city of Washington interfering with appointments for California, coming here with the avowed purpose of assisting in that very matter, as the first two or three lines in the last clause of the letter, which was not read, will show?

Printed at the Congressional Globe Office.

OPINIONS

OF THE

PRESS OF CALIFORNIA

ON

U. S. SENATOR CORNELIUS COLE.

It has been repeatedly said (and with a great deal of truth) that a prophet is not honored in his own country; but we think we can show, in the extracts from the newspapers of California, that one whose whole aim is *profit* receives some attention at least. The extracts which we propose to compile and publish, for the benefit of those upon whose good opinion Senator Cole may have made an impression, are not culled from Democratic papers, which, naturally, would be politically opposed to the Senator, and not disposed to look upon his official course with leniency or liberality, whether right or wrong; but they are chosen from the columns of Radical Union and Republican journals in close affiliation with the party which Senator Cole assumes to repre-

sent in the Senate of the United States. No man who has ever represented California in the councils of the nation is so little thought of and respected by his constituents as the individual to whom we allude. He has simply represented Cole and his pocket since his advent into the Senate, and his constituency and the welfare of his State—if he so considers California—have been secondary considerations. Let us see now, by the authorities we propose to quote in this matter, how far we are justified in the assertions made. The first we quote is from the *Daily Alta California*, of June 26th, 1869, and is as follows:

Senator Cole's Explanation.

Contemporaneously with the arrival in California of the commissions of the new operative officers of the Branch Mint, there appears in the Stockton *Independent* a letter of explanation from Senator Cole, who has been accused of being responsible for these arbitrary and uncalled-for changes. This document, which is republished in another column of the *Alta*, is one of those private letters, intended for the public eye, by means of which politicians sometimes communicate semi-officially with the world. It is a production which the friends of the Senator would gladly suppress. It is only a personal assault upon the officers who have been removed, and a feeble attempt to justify that removal by dwelling upon the superior qualifications of their successors. We have neither the heart nor the patience to follow Mr. Cole through all the devious windings of his plea for a reversal of the popular judgment upon his course in this peculiar case. We only know that the public business is disarranged and the public interests jarred by a needless change in the officers of the Branch Mint, and that the Senator endeavors to excuse it by pitiful evasions and quibbles.

For instance, Munson, the new Assayer, is represented as "a man of great skill and vast experience," when it is notorious that this is a misstatement and untrue; and that when he was in the Mint a question arose between Stevens, then Superintendent, and another official, about some interior differences, which so upset the unfortunate Munson that he disappeared, and was found, after a long search, at San Jose, whither he had fled, temporarily demented; and he never went back to the Mint, nor did he resign, nor was he removed. And equally disingenuous and mean is the Senator's version of the conduct of Martin, the out-going Assayer, of whom Mr. Cole speaks as "the Reverend Mr. Martin, who gives more attention to preaching and exhorting than to public assaying." This sneer at the theological studies of a Government employee comes with a poor grace from a man who has usually claimed to embody all the morality and respectability of the Pacific coast. Cannot a public officer have any pursuit outside of his official duties? Cannot an Assayer teach religion after office hours as well as a Senator can take possession of and personally contest patent rights while *he* is yet a public officer? This shallow objection is unworthy the consideration of an honest man.

But it is not worth while to go into this part of the laborious defense of Senator Cole. Whatever he may say about the men to be removed and the men to be appointed, there is the institution—it speaks for itself. The economy, industry, and honesty of its conduct have not been called in question; they cannot be questioned. Under the present management of affairs, the Branch Mint has become absolutely infallible. That public business will be interrupted for weeks is known to every intelligent citizen, and the statement of Mr. Cole that the million dollar reserve fund on hand makes any disturbance impossible only betrays the grossest ignorance of public affairs. The Mint is now coining gold at the rate of about two millions per month. When the institution is closed for the official transfer, no more deposits for coinage can be received until it is opened. Can any ordinary intellect see what a

reserve fund has to do with a total suspension of the reception of gold dust and bullion for coinage?

Senator Cole expresses his contempt for the San Francisco press, which, he says, goes together on this question, "lest, if one remain silent, a crumb or crust, in the form of an advertisement, should be withdrawn by their purse-proud masters. I care little for them." This is the sneer of a little mind. The press of this city, irrespective of party, represents the opinions and wishes of the people of San Francisco, and if Mr. Cole thinks that he can afford to brave public opinion, let him do it. The time may come when this arrogance will once more become a suppliant for favors. He seems to forget that he was sent to Washington to look after the public interests, and not to gratify private and personal revenge. It is a melancholy sign of the degeneracy of public men when a Senator of the United States is obliged to defend his arbitrary actions by such weak and pitiful arguments as those which Mr. Cole has used. We do not suppose that the country will be ruined or business be suspended because the officers of the Mint have been changed. Possibly the discussion that this affair has given rise to has been too general and heated for so petty a subject. But the principles involved in the transaction are important. The classes of citizens most interested in the operations of the Branch Mint have vigorously and earnestly protested against these changes; they have been made in spite of all opposition and protest; and now the man who assumes the responsibility for the transaction comes forward, and attempts to explain his conduct as a public servant by making frivolous complaints against the officers removed, and disingenuously panegyrizing the new appointees. The main question of the needlessness and undesirableness of the changes is left untraced.

The *Alta California*, just quoted, is one of the staunchest Union papers in the State, and its action and great work during the late canvass contributed in a great measure in securing California for Grant.

The *Spirit of the Times*, of October 16th, 1869, thus speaks:

Come and Gone—The Difference.

To be a Senator of the United States, in the days of Webster, Benton, Clay, Crittenden, Choate, Calhoun, Cass, and other of their peers, was an honor and a position which men looked upon with a feeling near akin to awe, and when the wearer of the Senatorial *toga* departed from and returned to the people, who had so distinguished him, it was with the God speed and warm welcome of those who felt that in honoring they were being honored. But how have the mighty fallen. What a change has come o'er the spirit of the dream. Here in California, in Eighteen Hundred and Sixty Nine, a Senator (next in power to the Chief Executive of the Government, and wielding more power than he, because to that Senator the acts of the President are in part subject to criticism and disapproval), has within the last two weeks come to and gone from the State that made him Senator, and his footfall has been as light as the falling flake of winter's first snow, disappearing almost with its appearance. No roll of the drum, no crash of the trumpet, no light from triumphal torches, no rockets red glare, nor the shouts of mighty masses, welcomed his coming, or marked his departure ; but, like a thief in the night, he entered and departed from the great commercial city which gave him Senatorial birth, his presence only being known to and his departure regretted by those upon whom his official power had rested favorably, and whose source of regret arose from the fact that he had promised to the top of his bent. He came here and left here unhonored and unnoticed. While that party, which gave him power and place, were struggling for life and perpetuity, their best prospects being dimned by his betrayal and perfidy, he remained away from the scene of conflict, seeing in what portion of the globe he might add still greater *largess* to his already great gains. But when the battle was fought,

his party defeated and broken up, (and he the cause to a great extent), the killed and wounded removed from sight, then, and not till then, did he steal back in the silence of night, alone and unattended, and taking refuge in the privacy of his apartments, called his *henchmen* together to see that all his percentages were right, exacted a higher rate from some, and more from others, apologizing for the purloining of patents and inventions from his hard working constituents, and then stole away again back to the seat he disgraces in the Senate, in terror, for very fear that the ghost of the Republican party might cross his path, exhibiting its bleeding wounds, (stabbed as it was in the house of its friends), and knowing that he did not have it in his power to say —"Shake not thy gory locks at me, thou canst not say I did it."

Thus came and went Cornelius Cole, Senator from California in the Senate of the United States. We believe it is the first time in the history of the State that such an occurence has taken place, and the friends of the Senator, who live off the crumbs which fall from his office-dispensing table, need not say it was as he desired it. The movement was made here to tender him a public reception, but it failed from want of warmth, sincerity and numbers, for all that could be numbered in the list of those who sought to "bend the pregnant hinges of the knee that thrift might follow fawning" were those who had obtained place through his position. The men of means and influence turned from the proposition with abhorrence, and the masses revolted at it. Look at it in the light that it appears. During one of the most exciting times in the financial history of the country, (generally), and the State represented by him, (particularly), while a question dear to the heart of every lover of freedom—the independence of Cuba—agitated all classes ; while the greatest intellects of the Union were bending their energies to evolve the best system whereby the country might return, and that speedily, to a specie paying basis; and while a dozen other National questions were on the surface, which would claim the attention of the approaching Congress, the Senator of a great State like California, representing, or presumed to represent, its great commercial interests and its loyal masses, comes among them and dares not give them an account of his stewardship, and fears to express opinions which, in their phraseology, might give some hope to his constituents that he was not the abject traitor to their behests, which those who knew how to read him pronounce him to be. We say that the coming and the going of this man is a disgrace and a burning shame to California, and one which she will not recover from, even when, in the mercy of an expiring term, he takes leave of her forever. No State in the Union has been so disgraced (with two or three honorable exceptions) with her Senatorial talent than California, and the greatest and the heaviest of all the disgraceful burdens she has ever been called upon to bear, at the apex stands Cornelius Cole.

The editor of the above paper (Mr. Boruck) was Chief Clerk of the Assembly of the sixteenth session of the Legislature which elected Cornelius Cole to the United States Senate, and signed his credentials as such Senator. The *Spirit of the Times* has at all times been a firm and decided advocate of the Union party, and earnestly supported Grant for the Presidency.

The San Francisco *Daily Times*, under date June 28th, 1869, spoke in this wise:

Senator Cole's Explanation.

It is always a dangerous thing for a public man to undertake to "explain" matters, unless he is thoroughly sure that his conduct will bear the test of analysis. Senator Cole has rashly ventured upon an undertaking of this kind, and, not satisfied with endeavoring to exculpate himself from the charges of personal favoritism and clique maneuvers in relation to Mint appointments, he has opened fire "all along the line" upon the press of this city.

Now the press of this city can well afford to let Senator Cole rid himself of his superabundant spleen in this style; but can Senator Cole afford to risk his reputation—such as it is—upon this issue? That is the question, but it is a question that the truculent Senator ought to have satisfied himself of before he rushed into print with the very imprudent letter which we print in another column. To accuse the papers of San Francisco of "going together," will not mend the matter as far as he is concerned. If the press did "go together" in denouncing Mr. Cole's action relative to the Mint appointments, it only proves that the press had more regard to the public interests than Senator Cole had. His "explanations," moreover, are really no explanations at all. He attempts to defend himself by aspersing the motives of others; as if he thought that in blackening the press and the old Mint employes, he could whiten himself. Again, he exhibits an ignorance, not only of the status of the men he speaks of, but of the operations and functions of the Mint, which speaks ill for his regard for the interests of his constituents. He does not attempt to defend his conduct on public grounds. He merely asserts that the men he has selected have qualifications for the offices they are to fill—a matter which no one has yet questioned. The record of Mr. Cole is not of such a character that he can well afford to defy the press, which is the exponent of the views of his constituents. The press will doubtless feel humiliated, when it reflects upon the important share it had in placing Mr. Cole in a position for which he has so far failed to prove his fitness; but it will not feel much hurt because of his angry pettishness. No doubt he feels sore from the strictures that have been passed upon his conduct; much sorer than he would have been had those strictures been unmerited. In fact, his explanatory letter is not the indignant denial of an honest man, wrongfully accused, but the vindictive snarl of a tricky politician, whose underhand scheming has been inopportunely brought to light, and who resents, with the spite of a little mind, what he appears to consider as an unwarrantable interference with his proper privileges. Whether Senator Cole likes it or not, however, of this he may be certain, that neither the press nor the public of San Francisco can be hoodwinked by Washington cliques, or humbugged by *such* explanations.

When the article just referred to was published, Dr. L. C. Gunn, one of the earliest Republicans in the State, was the editor of the *Times*. He was, and is, recognized as authority, and his voice in regard to the Senator was not heard in vain.

The Sacramento *Union*, of May 13th, 1869, published this:

Senator Cole as an Inventor.

[Correspondence Sacramento Union.]

Your people are perhaps not aware that the senior California Senator figures as an inventor in the Patent Office. It seems that he has found time in the midst of legislative duty to enter the field of discovery, and place his name beside Watt and Stephenson. As it is the first exhibition of his taste and capacity in that direction, it is remarkable that he attains such brilliant results in a single experiment. The subject of invention is a propelling water wheel, for use in steamboats. Unfortunately, there is an "interference" in the case, and the facts are in dispute. Alfred C. Loud, a merchant of San Francisco, asserts that *he* is the inventor, and not Cornelius Cole. His testimony in full is given in a pamphlet before me, printed for the use of the Patent Office, and was taken before F. J. Thibault, Notary Public of San Francisco, April 8, 1869, A. M. Crane appearing for Loud, and E. Burke for Cole. Loud testifies that October 6, 1868, he left San Francisco, where he had resided for ten years, to go East by steamer, to obtain letters patent, and arrived at Washington about November 2, 1868. He went to Cole's house the day he arrived, and Cole took him to the Commissioner of Patents. He exhibited to the Commissioner and Cole the model of his invention, which he had with him; and after that made some experiments and an exhibition of a

working model. a miniature boat, in the fountain in the courtyard of the Patent Office, to the Commissioner, Cole, and several others.

In the course of three days his application for a patent was passed on and allowed, Munn & Co. being his attorneys. After that Cole proposed to Loud to meet him in New York, where he would introduce him to some steamboat men. When he went to see the Commissioner he had with him a pasteboard model of the invention, two pasteboard disks. Before leaving Washington he instructed his agents to have his models and papers remain in the secret archives at Washington. He also instructed the officers to keep them there, that he might perfect his patent. He never authorized Cole, he says, to take them out. He went to New York, and was there with Cole nearly all the time, alternating between Albany and New York. Cole introduced him to a number of steamboat men. Finally Loud made a proposition to him that if Cole would aid him in applying the invention to a steamboat, he would give him a quarter interest in the invention. Cole agreed, and was to pay all bills (about $10,000) for applying the invention and getting out foreign patents. All this was verbal. Cole purchased the *Julia* of Aspinwall for $1,800, and its wheels were taken off and wheels after the patent applied. In practice, certain changes were found necessary to perfect the wheels, and it now being Winter. and everything frozen up, it was concluded to lay the boat up till Spring. Early in December, Loud was compelled to leave for California, and so wrote to Cole, who was in Albany. During the experiments, he constantly wrote and telegraphed to Cole, and posted him on what he was doing, and Cole came to New York when it was necessary. Before Loud left for California, Cole came to New York for the purpose of making arrangements about the boat, and final arrangements about getting out the foreign patents. At this time it was suggested that Loud should get out a new American patent, embracing the new points he had at that time. All the patents, foreign and American, were to be taken out in his name. During the winter, if the weather was favorable, an engineer named Lansdell, introduced by Cole, was to make experiments to carry out the ideas of Loud. Loud agreed to employ his leisure hours during the winter for the same purpose. It was distinctly understood (says Loud) that any improvements that might be made by either was to be for the benefit of his application, and was to be taken out in his name. Before leaving for California, arrangements were made for the papers for a new American patent, and for the foreign patents. Cole said he would have to go to Washington, to get money to carry out the foreign applications. Loud left for California in December, and wrote back to Cole from the Isthmus: "I deem it very important to get out an American patent as soon as possible." This referred to the new application; he also wrote to Lansdell to be careful about exhibiting the *Julia* before the patents were secured. He made experiments on the steamer, and solved the difficulties of his first invention. He made a model, and started back overland to show Cole his ideas. On seeing Cole. the latter informed him, to his surprise, that these same ideas had occurred to him about the time he sailed, in December 1868. Cole told him he had filed a caveat, and made application for a patent. Loud asked him if the understanding in New York had been changed in any way by his making this application, and he said: "Yes, he thought it had." He next found out that Cole had taken out his (Loud's) papers from the secret archives, paid the final fee, and made them public against his instructions. Loud told him (he says) that he had broken faith, and violated every feature of their understanding, and it only remained for him to secure his rights in the premises, independent of and without regard to him. Cole did nothing in regard to the foreign patents after Loud left New York, and paid no money on account of them. Cole's excuse for taking the papers out of the secret archives was that they were open to every one. Loud says the Chief Clerk told him this was untrue. Loud applied for a new patent, February 3, 1869, and in this an interference has been declared with a similar application of Cornelius Cole.

The cross-examination of the witness drew out the particular mode by which Cole had induced the Chief Clerk of the Patent Office to let him have

the papers in spite of Loud's specific instructions. About January 8th, Cole, and Combs his attorney, went to the office, and said he would like to pay the final fee in Loud's application for the patent, and have it issued. The clerk remonstrated; told him that Loud had given positive instructions not to have it issued except on his own order, and he asked Cole if Loud's attorneys in Washington knew of his (Cole's) request. Cole said No, they did not know it; it was not necessary for them to know it; that Loud had instructed him, Cole, and given him full authority to take out these papers; that it was all right; that he was Senator Cole; that it could not be otherwise than right. Combs, also, insisted that it was all right; that he knew Cole had authority. Cole wished to see the papers, says Loud, and he went there without authority.

The testimony of several other witnesses is given in the pamphlet, being principally to the point that the invention is the result of Loud's ingenuity, and several years' labor, and is from those to whom he had shown his models in San Francisco and on the steamer.

You will therefore perceive that your Senator is an inventor; and hereafter, when steamships are propelled at the rate of thirty miles an hour, the public should know to whom gratitude is due.

The Sacramento *Union* has a national reputation, and therefore requires no indorsement in this.

The Sacramento *Record*, of July 3d, 1869, gave its opinion as follows:

Cole making a Bad Strike.

Senator Cole seems to have fallen into the same error which worked serious to the career of John Conness—that is, pitching into the press. In a recent letter of explanation, written "private," though published in the Stockton *Independent*, he says: "The San Francisco press all go together, * * lest, if one remain silent, a crumb or crust, in the form of an advertisement, should be withdrawn by their purse-proud masters. I care little for them." This comes with a very bad temper, and will most certainly furnish the material from which the Senator will learn that the press and men of the press placed him in his present position, and that the powers which make often unmake. The Senator cares little for the press. So said Conness. The press seemed to get the best of the don't care part. No man filling his position can be independent of the press. The Senator himself should know this fact. The press does not always kill by severely abusing or exposing, but as often by leaving the object of their contempt severely alone, and nothing sooner drives a man from high position to obscurity than the silence of the press in regard to his official acts and private movements. We hardly think the Senator can afford to fight the press.

The *Record* is a well established and flourishing Union paper.

The *Alta*, in an issue subsequent to that quoted above, says:

An indiscreet friend of Senator Cole comes to the rescue of that gentleman with a somewhat clumsy defense, which is published in a communication in the *Alta* to-day. We do not see that our correspondent has much helped the matter, having really only gone over the ground already occupied so ineffectively by Mr. Cole. As has already been said, frivolous fault-finding with the officers removed does not affect the main question relative to the causelessness of their removal; and the responsibility of that removal the Senator has already assumed in his letter of explanation, which was the basis of the articles referred to. And "Civis" falls into precisely the same error that occasioned the charge that the Senator was ignorant of the business in which he has meddled—namely, that the "reserve bullion fund" is to tide over any difficulty that might arise on account of the stoppage of Mint operations. If the Mint is not coining any money, and is not receiving any gold dust or bul-

lion for any purpose, no "reserve fund" can help the customers of the institution, whose dust and bullion are kept out of circulation and coinage as long as that suspension continues. To talk about a public fund to tide over this difficulty is simply nonsensical. As for the plea of "Civis," that the press has been unjust or ungenerous to Senator Cole, it must be said that the honorable gentleman has harmed himself more than the most captious critics possibly could, and the less parade that is made of his honesty and candor the better for him. The press of this city has been generously lenient toward Mr. Cole, and it will be a sorry day for him if he ever compels a departure from the kind reticence which has mainly been observed respecting his course.

The San Francisco *Bulletin*, of Monday, June 27, in speaking of Senator Cole's letter, says:

Why should the Senator express his contempt for the press with so little qualification, seeing he is a living illustration of its power to lift up a weak man to a high place in the councils of the nation. There is one thing the press cannot do—it cannot make a Senator honest, or even wise, if there is an inborn stupidity. But the press can concentrate public opinion in a way that does not escape the notice of Senator Cole.

The fact is, nearly every movement which the Senator has made in this direction has been an unfortunate one. It would have required some strength and courage to take the ground that the Mint should not be prostituted to political uses, and that faithful men who had become experts should hold their places during good behavior. But after the Senator had yielded to the doctrine of spoils, the matter is not helped by abusing the retiring officials, or sneering at the Chamber of Commerce.

And in another article, the *Bulletin* says:

The Loud-Cole Patent Paddle Case—How it Stands—An Experimental Craft nearly completed.

Most of our readers will remember the paddle-wheel case before the Patent Office about three months ago, wherein Senator Cole figured as an "inventor," at the expense of Alfred C. Loud, a merchant of this city. The testimony, as published, showed that Mr. Loud invented the paddle-wheel, and that he had subsequently offered Cole a quarter interest in the invention if the Senator would assist him in making a practical demonstration of the superiority of the wheel. By some means or other, Cole managed to secure certain papers and then claimed the invention as *his own*. The Commissioner of Patents rendered a decision in favor of Loud, as noticed by us a few weeks since, and the public generally supposed the contest was virtually ended. It appears, now, that Mr. Cole has appealed to the Examiner-in-Chief of Patents, and a decision on the appeal is expected daily.

The *Bulletin* stood with the Republican party, and nobly seconded their efforts in the election of Grant.

The *Alameda Gazette* thus speaks:

In another column we print Senator Cole's attempt to exculpate himself from blame in the matter of the Mint appointments. It is a lame, impotent, and most disingenuous effort, doing great injustice to many of those he has caused to be removed, and furnishing no excuse whatever for his unwarrantable trifling with public interests in the premises. His impugnment of the motives of those who object to the removal of faithful public servants without partisan or other excusable reasons indicates a littleness of soul and a meanness of disposition unbecoming a Senator, and could only have emanated from one accustomed to being guided by the most unworthy influences.

The *Spirit of the Times* also published the following:

The Loud Patent.

The persistency with which Senator Cole has endeavored to rob Alfred C. Loud of his right to a patent, for an invention entirely his own, is a most remarkable circumstance. On every point presented by Cole to wrest from Loud that to which he was legally entitled, he has been met with a repulse from the Department officers having charge of such matters, and now we find that a renewed attempt of his to gain another's property has been defeated by a Board of Examiners, composed of three Examiners-in-Chief of the Patent office. We presume the highly honorable Senator, who. by his action in this matter (as well as in many others), disgraces the State which has the misfortune to be represented by him, will say that there is a "combination to ruin him," but Alfred C. Loud says that the Senator committed wilful perjury in the affair, and that though he may not be successful in obtaining the impeachment of the Senator, as the acts committed by him were not those in his line of duty as a Senator, yet he will endeavor to bring his conduct to the notice of his peers in the Senate. The whole affair, from beginning to end, is thoroughly disgraceful to Senator Cole.

Mr. Cole has informed every one, who has conversed with him on the subject since he has been here, and particularly friends of Mr. Loud, that he had no desire to interfere in the matter of the patent; and yet he has fought the matter through, appealing from three different tribunals, until now he has been beaten and frustrated entirely. We cannot imagine how Senator Cole can so falsify the record against himself.

And, again, the *Spirit* says:

Another Appeal.

When Senator Cole was here a short time since he announced in the most decided terms that he had given up all interference in the Loud patent, and that he did not intend to pursue the matter any further, and therefore he was not susceptible to any harsh criticism on that account. Such being the fact we are at a loss to account for the subsequent action of the Senator, particularly as he stated the invention was worthless; for we find that immediately upon his arrival at Washington he again appealed from the decision made against him three times in succession, and asked Commissioner Fisher to decide in his favor. This is the fourth appeal made by the Senator, and coupled with his previous course in the matter. his conduct in the particular of which we speak evokes the most damaging remarks. It is to be hoped that the Senator will be advised and refrain from intermeddling in a matter in which he can gain neither success nor reputation.

The position of Senator Cole in this matter is disgraceful, not only to himself, but to the State he unfortunately represents.

The *Alameda County Gazette*, of July 3d, 1869, had the following:

Senator Cole.

Some months since, Senator Cole stood rather fair in the estimation of the Union people of California; but his strange course during the last session of Congress in favoring the appointment of unpopular persons to office in this State, merely because they happened to be willing instruments to carry out his own private purposes, has lost him the regard of many of his former friends, His conduct in regard to the appointment of a Collector of Internal Revenue for the San Francisco District has been generally censured by the press. Col. James Coey was an applicant for that position; and in point of services to his country, ability and popularity, no one was better entitled to it.

He had been badly wounded on two different occasions while serving in the Army of the Potomac. And his popularity with his former comrades may be inferred from the fact that he was twice elected at conventions of discharged

soldiers to the honorable office of Grand Commander of the Military Order of the Grand Army of the Republic for California. Affable, modest, courteous, yet brave and firm, he possesses qualities to inspire respect. Besides, as he was engaged in mercantile pursuits previous to and since the war, he has had the training necessary to enable him to discharge the duties of the office which he sought to fill with credit. Notwithstanding these facts Senator Cole strenuously opposed the appointment of Col. Coey, in order that a man, whose antecedents and character are not of the highest order, might have the position. The report of the Special Agent of the Treasury Department exhibited the official conduct of this favorite of Senator Cole in anything but a favorable light, yet his patron pressed his appointment with a persistence worthy of a better cause. It is said and believed that Senator Cole is under pecuniary obligations to this gentleman, and that their relations are of such a nature that he could not refuse any request he might make of him. Admitting that this is the case, it only indicates that his personal relations are unfortunate, and does not exonerate him from being justly liable to public censure.

The course of Senator Cole in procuring the removal of the officers of the San Francisco Mint is another instance of his willingness to sacrifice the public interests, and even to outaage decency, if his own private purposes could be advanced thereby. In this age of corruption, it is gratifying to know that universal testimony accord to all the officers connected with the San Francisco Mint, strict honesty and skill in carrying on their respective departments. Yet Mr. Cole, in spite of many protests to the contrary, procured the removal of these gentlemen. Not content with this, he has, in a letter lately published in the Stockton *Independent*, endeavored to vilify their characters; and in this endeavor he has absolutely resorted to falsehoods concerning them, as has been proved by a correspondent in the *Alta* of last Wednesday. As a matter of course, the press throughout the State, with a few insignificant exceptions, has condemned this weak effort of the Senator to justify his own course, and injure the personal and professional standing of honorable men.

A firmer, truer, or more reliable Republican paper there does not exist in the State than the *Alameda County Gazette*. Its opinions are quoted and acted upon, and it wields a great influence.

The *Amador Ledger* says:

It is often difficult to judge men's motives, but it is reasonable and natural to suppose that Senator Cole is actuated in his conduct by a desire to secure his re-election to the United States Senate, and that he deems it necessary to have men in Federal offices who will work for this end. If this is his object, he might as well spare himself any further trouble in this particular respect. He is as likely to be struck by lightning as he is to be re-elected to the United States Senate. He has been tried and proved himself unworthy of the further support of those who placed him in power.

The editor of this paper (Thomas A. Springer) has been connected with the press of California since 1850. He is a thorough Republican, and a firm advocate and supporter of the Administration. His paper is Republican authority in Amador county.

The *Golden Era*, an independent paper of wide circulation, in its issue of July 3d, 1869, said:

A Senatorial Letter.

The recent letter of Senator Cole, wherein the attempt is made to explain and justify the late removals of old, competent, honest, and well tried officers of the United States Mint, whose Administration has made it more successful

than any similar institution, appears to us to be one of the weakest and most inconsistent documents ever published by a Senatorial author. So far as he is concerned, it would have been far better if it had never been written, and doubtless ere this he is aware of the fact. Sometimes it is sufficient for a political leader to say, concerning removals from office in which he had a hand: "I have punished my enemies and rewarded my friends." But it can scarcely be satisfactory to Mr. Cole's active political friends to learn that when removals were determined on and he was consulted, he recommended men who "never had a political idea in their lives." Neither do such new appointments seem an advantage over the retention of men who were sound enough to hold office during the late war. The principle of removals on political grounds to make room for political friends, which, however, we never favored, has been disregarded, so that no strength appears to have been gained among professional politicians. The principle that experienced, competent, and trustworthy officers should be retained, that Government may have the benefit of their experience and special qualifications has also been disregarded, so that no plea of advantage to the public interests can be made in favor of the change.

Fairly stated, perhaps Senator Cole's plea in his own behalf amounts to this, that he was unaware of the intention of the Administration, the removals were determined upon without his knowledge, and that under the circumstances he only used his influence in favor of men whom he believed good and competent ones and against those whom he did not consider such. His assertion that he cares little for the press is answered by the publication of his own letter, and the insinuation that when the San Francisco press all go together there is something wrong, is so palpably absurd that any sensible man would know that precisely the contrary inference must be the only one that could properly be drawn. The explanation, if such it is, is hardly a satisfactory one.

Every argument advanced by Senator Cole either directly or indirectly in that letter, in support of those removals, a few years from now may fairly be availed of in favor of the nomination of a new man to succeed Senator Cole and to deprive California and the general government of whatever experience and special knowledge he may have gained during his first term in office. He has while Senator been interested in an application for a patent, which is business outside of his Senatorial duties. Unfortunately he was not successful and the public does not appear to be a gainer by his efforts in this direction. When a new man is nominated and elected in the place of Senator Cole, to use his own words "the fluttering it causes" among "the special class" of his friends, will doubtless be considered as in this case, by those who bring about such a result, particularly if his successor is "a suitable man," abundant proof and "render it clear to their minds" that his removal was "not only advisable but necessary." It is a poor rule that will not work both ways, and this rule includes in its operations even United States Senators.

The *Alta* also had the following:

Reinstated.

News has been received in this city of the reappointment of Mr. J. J. Sullivan as Deputy U. S. Assessor in this district. Mr. Sullivan made himself somewhat prominent, some time since, in his exposure of the corrupt practices of the Internal Revenue Ring in this city, and was removed at the instance of Senator Cole, some of whose friends were not flattered by the appearance which they made in the reports. Since the circumstances and the men have been better understood at Washington, he has been reinstated. His removal was without the concurrence of the Assessor, Mr. Tilden.

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INV. 1898.

SPEECH

OF

HON. E. F. DUNNE, OF SONOMA,

ON THE

MIRANDA RESOLUTIONS,

DELIVERED IN THE

Assembly of California, February 17, 1863,

AT THE

FOURTEENTH SESSION OF THE LEGISLATURE.

SACRAMENTO:
A. BADLAM, BOOK AND JOB PRINTER.
1863.

SPEECH OF HON. E. F. DUNNE.

The House, having under consideration Senate concurrent resolutions relative to the Miranda claim, Mr. DUNNE said:

Mr. SPEAKER:—I will preface the remarks I have to make concerning the resolutions now under consideration by answering the legal point urged by the gentleman who immediately preceded me, the honorable member from San Francisco, (Mr. Barstow.) He makes the point of law, and his known ability as a lawyer, and prominence as a member of the Judiciary Committee of this House, gives to his opinion a weight of authority which would be convincing, if not refuted; he makes the point of law, that even if the Miranda claim *should* be recognized by the Courts as the true and rightful claim to the lands in question, those persons who purchased under the Ortega title, and who comprise nearly the whole of the inhabitants of the City of Petaluma, would not in any manner be disturbed thereby, *because* the agreement made by the representatives of Miranda, (which I will read at the proper time,) whereby they acknowledged the genuineness of the Ortega claim, effectually cuts them off from contesting any of the conveyances executed by Ortega, for by that agreement they recognized his title, and gave a power of attorney to James F. Stuart to convey the Miranda interest in all his sales, and he did so convey; that therefore, the grantees under Ortega are safe.

There are two reasons why, in my opinion, the point is not well taken:

First—The Supreme Court of this State, in the case of Valentine vs. Stewart, (15 Cal. 397) decided that the agreement upon which this proposition is based, was, by reason of the fraud therein, an agreement against sound morals and public policy, and therefore null and void.

Second—Even if the agreement were good, the Miranda claimants would not be estopped from contesting the titles of the grantees of Ortega, for the reasons alleged by the gentleman, (Mr. Barstow,) "that their title had been conveyed under their agreement and through the power of attorney given to Stewart," because Stewart never conveyed an iota of the Miranda interest under that power of attorney. I hold in my hand the affidavit of Mr. Stewart to that effect, taken in San Francisco yesterday, and properly acknowledged before Mr. Higgins, Notary Public. [Mr. Dunne read the affidavit, to the effect that he, Stuart, had

never conveyed any portion of the Miranda interest in any of the deeds he made of the Ortega title to purchasers in Petaluma, nor in any other deeds at any time whatsoever.]

And no bill in equity would lie to compel Stewart to convey such interest, because there is nothing in the agreement, express or implied, making it obligatory on him to do so.

The agreement, then, was void, as to the possibility of enforcing its provisions in a Court of law. But even if it had been valid, and all parties were bound by it, there was nothing in it obliging any one to convey the Miranda title in the Ortega conveyances, and the Miranda title never was so conveyed. Therefore, when the gentleman from San Francisco argues that the Miranda claimants are estopped by that agreement, and by an alleged conveyance of the Miranda interest in the Ortega deeds, I submit that the point is not well taken.

A word with regard to the point made by the gentleman from Los Angeles (Mr. Kewen.) He asserts that we have no right to instruct our Representatives; that at the time of the amendments to the Constitution, in seventeen hundred and ninety, such an amendment was proposed and rejected, and that we should abide by such decision. Now, if any one will refer to the secret debates of Congress for the period named, he will find that the question is not fully stated in the gentleman's argument. In the very lengthy and animated debate which was had on that subject, it was not pretended to be denied that a State Legislature might instruct the Representatives of the State upon strictly local questions. But the debate was not upon this point, which, bye the bye, is the exact issue before us here, so far as the right to instruct is concerned. The persons who wished this amendment as to the right to instruct adopted, put it upon the broad ground that the people, anywhere assembled, might instruct their Representatives upon all questions of local and general policy, even as to matters relating to the general welfare of the Union, and that such instructions should be binding upon their Representatives. This amendment, based on grounds like these, was very properly rejected, by a vote of forty-one to ten.

But the rejection of such a proposition is no argument that a State, as far distant from the seat of government as California is from Washington, may not, when a matter arises which affects her locally, and has no connection with the general affairs of the Union, and which is of vital importance to her, and upon which her Representatives must act promptly, if at all; there is no reason, I say, why the State may not, through her Legislature, say to her Representatives, some of whom have not been among us for two years, we wish you, upon this matter, to pursue such and such a course of action. It is not at all interfering with them as to the course they shall take upon questions which concern the whole country. They are better fitted to judge as to such matters than we, because they hear the opinions of Representatives from every section of country, from every State in the Union, and they have ample opportunities afforded them to weigh and balance all of these opinions, and harmonize them into one expression which will most nearly meet the wants of the whole. But, as to matters of peculiariy local interest, we who are sent here to watch after the interests of the State of California, and whose minds are not burdened with the task of legislating for the whole Union, ought certainly to know more of this matter than any of our Representatives in Congress; and if we are satisfied that a certain course of action

on their part is what is necessary for the protection of our interests, we have a right to tell them so.

But, to get at the subject matter of these resolutions. They are framed to meet the exigencies of a particular case in the county which I have the honor, in part, to represent, and are also general in their nature, so as to apply to all cases similarly situated. Their immediate object is to prevent the passage of a bill now pending in Congress, which provides that the representatives of Juan Miranda may be allowed to present the Miranda land claim in the Courts again, although by the general law of Congress it has been outlawed for several years, and cannot now be brought up, unless by a special Act.

And now, Sir, in order that this body may have a full understanding of this matter, I proceed to the history of this case. The city of Petaluma is located upon a tract of land claimed by two different parties, holding under two different pretended grants from the Mexican Government. There is about four years difference of time in the date of the two grants. The elder grant was made to one Antonio Ortega, dated August tenth, eighteen hundred and forty, and is known as the Ortega claim. The opposing grant claims to date from some time in the year eighteen hundred and forty-four, and alleges that Juan Miranda was the grantee, and is known as the Miranda claim.

There is quite a family history connected with the affair, and when fully understood, displays the relative position of the two claims in the clearest light. The statements I make with regard to facts and dates are part of the records of the Courts of this State, the United States District Court, and the Supreme Court at Washington, and are incontrovertible.

The first facts I glean are from the twenty-third Howard, S. C. Reports, page two hundred and fifty-one. I quote now from the brief I prepared on this subject when it was first introduced in the Senate. It is set down as a matter of record in the judicial decisions alluded to, that Antonio Ortega filed a petition for the land in question, June twelfth, eighteen hundred and forty; that on the twentieth June, eighteen hundred and forty, the Governor of California, in whom the granting power lay, referred the petition to the local authorities in the immediate neighborhood of the premises asked for, to know whether the land was grantable—whether or not it was claimed by any other person. The local official returned his report that it was all right, and that the grant might be made, clearly showing that the statement of Juan Miranda, that *he* was in possession ever since eighteen hundred and thirty-seven, is in direct contravention of the official report of the local officer, General Vallejo. That he was *present* there, is admitted. That he was in a sort of *quasi* possession is true, for he was there as the *tenant* of Ortega, in Ortega's absence.

Ortega was a soldier in the Mexican army. This grant he claims was made to him in compensation for such services. He was married to one Francesca Miranda, and Juan Miranda was his father-in-law. Ortega was called away, in pursuance of his military duties, to Oregon, and did not return till eighteen hundred and forty-seven. He placed his wife, and Miranda, his father-in-law, upon the ranch, to occupy and manage the same for him during his absence.

Now, after Miranda had been upon the land a while, and had become accustomed, during the owner's absence, to the pleasure of being looked upon as nominal owner of the same, he conceived the idea of becoming,

if possible, the owner in reality. For this purpose, in the year eighteen hundred and forty-four, he caused one José de la Rosa to draw up a petition for him in the regular form, and had the same presented to Governor Micheltorena. He even went so far as to get one Clark, in the Secretary's office, to draw out a grant for him in proper shape, but he did not obtain the Governor's signature to the same, on account, as he alleges, of popular disturbances.

It will hardly be believed that Juan Miranda would ever attempt to sustain his claim in Court on such slight evidence of title as this; but so great was the faith in the early days—I will not say of justice, but of law proceedings in California—in the possibility of putting things through if they were well sworn to, that the attempt was made.

Now I come down to the history of the two cases before the Board of Land Commissioners. For the benefit of those gentlemen here who have never had their attention called to the law regulating proceedings before that Board, and also for those whose memory, perhaps, it will be no harm to refresh, I will quote two sections of the law, to which I shall afterwards solicit their especial attention. The law of Congress creating the Board of Land Commissioners in California enacts as follows:

Sec. 8. Every person claiming lands in California by virtue of any right or title derived from the Spanish or Mexican Government, shall present the same to the Board of Land Commissioners, when sitting as a Board, together with such documentary evidence and testimony of witnesses as the said claimant relies upon in support of such claims.—United States Statutes at large, vol. 9, page 631.

Sec. 13. And be it further enacted, that all lands, the claims to which shall have been finally rejected by the Commissioners, in manner herein provided, or which shall be finally decided to be invalid by the District or Supreme Court, and all lands, the claims to which shall not have been presented to the said Commissioners within two years after the date of this Act, (March 3, 1851,) shall be deemed, held, and considered, as part of the public domain of the United States.—United States Statutes, vol. 9, page 631.

Now, both of these grants, the Ortega and Miranda claims, were presented in due form to the Board of Land Commissioners. Volney E. Howard was one of the Attorneys for Ortega, and B. S. Brooks, who is now here opposing these resolutions, was Attorney for the Miranda grant. After the argument was made and the cases submitted, the Miranda claim was withdrawn from the Board of Land Commissioners. In the brief, which the representatives of Miranda have so industriously circulated, and which every member on this floor has seen, it is stated that the claimants under Miranda withdrew their claim, in all honesty and simplicity, because they found that the testimony in the Ortega case plainly showed that the Ortega title was the better title, and that they became convinced that there was some mistake about their own title, and that it would be no use to prosecute it further. They reiterate, "it was for this reason that the Miranda claim was withdrawn."

Sir, I will prove to you, by the most indisputable evidence—the act of the parties themselves—that that statement is false; that they did not yield up the Miranda claim in honest simplicity of heart, because they became convinced Ortega had the better title; and that they did not do

so merely because they did not wish to contend with him. I will prove to you that the representatives of Miranda withdrew the Miranda claim because the Ortega men *bought them out.* Yes, Sir, bought them out, by a literal bargain and sale, duly attested in writing, and under seal. And I hold the very deeds of sale, the original instruments themselves, now in my hand. The representatives of Miranda, not being cognizant of the original facts, were, perhaps, at first prosecuting the Miranda claim in good faith; but in tracing up their evidence, they found their grant lacked the most essential point of completion, viz: the signature of the Governor. Upon the discovery of this startling fact, they very prudently—I will not say how honestly—made overtures to the Ortega people to effect a compromise. The representatives of Ortega, perhaps conscious of as weak points in their own line of defence, for their claim has since been rejected, promptly accepted.

Here are the evidences of the sale. I will read first the contract made by the Miranda men, whereby they agreed to leave the coast clear to Ortega, for a consideration, which, to blind the eyes of Justice, was set forth in a separate instrument.

I will characterize the parties as the representatives of the two different grantees, in order that we may keep the main points always in view.

Here is what the representatives of Miranda agreed to do with regard to the withdrawal of the Miranda claim:

"This agreement, made January thirtieth, eighteen hundred and fifty-five, between the representatives of Miranda, of the first part, and the representatives of Ortega, of the second part, witnesseth: that the said parties of the first part, for and in consideration of the sum of one dollar, to them in hand paid, and divers other good causes and considerations them thereunto moving, have covenanted, promised, and agreed, with the said representatives of Ortega, that the said Valentine and Brooks, the representatives of Miranda, will withdraw and discontinue the Miranda claim from the Board of Land Commissioners at its next session, and will also cause to be withdrawn the depositions of Theodore and Francesca Miranda, taken before Commissioner Lot, and will use their best endeavors to procure the confirmation of the Ortega claim.

"Signed," etc.

And here now follows what the Ortega men agreed to do for the representatives of Miranda, in consideration of this handsome action on their part; in other words, now follows the price the Ortega men paid the representatives of Miranda for the withdrawal of their claim:

"January 29th, 1855.

"The representatives of Ortega, for and in consideration of the sum of one dollar, to them in hand paid, *and divers other good causes and considerations* them thereunto moving, have covenanted and agreed to and with the representatives of Miranda, that upon request, after the execution of this indenture, they will appoint an Agent to make sales of land described in said claim, (viz: the claim number five hundred and fifty-eight, the Ortega claim,) and after deducting expenses, all moneys received for said lands shall be divided as follows: For sale of that portion known as the lower half of the Miranda claim, one third of all moneys so received shall be paid over to Thomas B. Valentine, for the

benefit of whomsoever it may concern; and for the sale of the balance of the Ortega claim, one half of the proceeds shall be paid to Thomas B. Valentine, as before."

I am reading now from the original documents. These same documents are also quoted *verbatim* in the case of Valentine vs. Stewart, 15 Cal., 397, in the opinion delivered by his Honor, Judge Baldwin.

Valentine and Brooks executed the first of the agreements I have read. Valentine was the claimant under the Miranda title, and Brooks his Attorney, and interested with him.

Comment upon this agreement is unnecessary. It is, in effect, a complete transfer, bargain, and sale, a formal relinquishment, under seal, for a good and valuable consideration, by the representatives of the Miranda claim, of all their right, title, and interest, in and to said claim, and, by act of law, indirectly conveys all the title they stood possessed of in the said premises to the representatives of Ortega. For the Ortega claim then stood favorably in the Courts, and the Miranda claim was in direct opposition to it, and the quashing of the Miranda claim was, in effect, perfecting the Ortega title; and the proof of this is, that the Ortega people paid the Miranda representatives for so doing.

Now comes in the application of the law of Congress I have before quoted. The representatives of Miranda had a certain time allowed them to present their claim, to bring it before the notice of the Court. They allowed the time to pass without properly presenting it, for their withdrawal of the claim quashed all proceedings they had taken as to its presentation, and they stood before the Courts the same as though they had never presented it. The law is plain and clear. Their claim is outlawed, and nothing short of a special Act can now revive it. Are there any equities in the case why Congress should listen to their prayer? Have they suffered from the operation of this law through ignorance? Is it a case of innocence and simplicity, where the party was ignorant of our language, far retired from the centres of information, and who lived on, in simple undisturbed possession of his premises, thinking it all right; that nothing more was required of him?

I am informed there are a few such cases in the lower part of this State, and I can well conceive why some such cases may exist; and I would be in favor of Congress granting them protection by relief bill, if necessary, but not of allowing them to bring their grants into Court again. But there is no innocence or simplicity about this case. On the contrary, it is nauseous with fraud and corruption from the beginning to the end of its history. Witness the infamy of Miranda in seeking to defraud his own son-in-law of his property in his absence, and while he was left for the express purpose of guarding it.

Witness the testimony, that a certain Probate Judge approved the will one day, and the next day received a deed conveying to him a valuable interest in the ranch.

Witness the bargain and sale arrangement, whereby the Miranda claim was withdrawn, wherein there is more of villainy than meets the eye.

Witness the oath of Valentine himself, in the case of Brooks *v.* Luning, wherein he swears he discovered the Miranda claim to be worthless. Couple this with the asseveration in his brief, that he owns the land, that the land is his, and no Act of Congress can take it from him.

Whatever cases there may arise which can make any showing of

equity to Congress, this surely is not one of them. There could be no greater reward offered by Congress for fraud or chicanery, than the passage of an Act enabling the representatives of Juan Miranda, after all their rascally schemes, to be put back into that position before the Court which they forfeited by their voluntary and fraudulent acts.

It is no argument to say that, because the Supreme Court has decided the agreement under which that was done to be an agreement against good morals and sound public policy, and consequently void; that, therefore, anything which ensued by virtue of that agreement must fall to the ground, and that, therefore, he did not lose his right of presentation. Such an argument will not hold, because the law of the United States does not look to the motives which prompted him to withhold the presentation of his claim, but it looks to the fact that he had notice that it was required of him to present his claim, that he did not do so, and that, therefore, it is outlawed.

Miranda, in his brief, lays great stress upon the opening sentence of the opinion delivered by Judge Grier, of the Supreme Court, in the Ortega case, when before him. He said it is evident from the papers in this case, that the title is either in Ortega or Miranda. Now, the Ortega title has been rejected, and they try to build up from this that the Supreme Court has just as good as said that the Miranda title is good. Now, the remarks of Justice Grier, that Ortega *or* Miranda possess the title, are not authority as to this matter, because the Miranda case was never before him; the affidavit of the claimant under the Miranda title that, on examination, he had found that title worthless, was not before the Judge. The evidence that the Miranda title was withdrawn because it was deemed worthless by the very claimants themselves, had not been presented to the Judge or the Court. Does any one suppose that if it had been so presented, he would have expressed any such opinion as that quoted. But it must be remembered, that the remarks of a Judge concerning a matter not judicially before the Court, have no weight as authority or precedent, and this is the error in quoting those remarks as of any authority in this matter.

The claimants under Miranda, by having recourse to Congress for this special Act, admit the very fact the people of Petaluma wish to establish, viz: that the Miranda claim is dead. They admit that it is dead both in law and equity; that there is no Court in the country, Federal or State, that can entertain their plea for a moment; that their connivance with the Ortega title, by withholding their claim from the Courts until too late, and their written instrument bartering away their interest to the holders of the Ortega title, has forever cut them off. They admit all this. They admit that nothing short of a special Act of Congress can resurrect their claim.

The people of the City of Petaluma protest against this. They call upon the people of the whole State, through their representatives here, to declare what is known to be the public feeling upon this point.

The opponents of these resolutions do not pretend to deny that they express the sentiment of the people of California, but they raise legal quibbles and technicalities to thwart, if possible, their passage, without openly addressing themselves to the merits of the case. They urge:

First—That it is presumption for us to instruct our Representatives at Washington on this point, because they have better means of knowing the facts of the case than we have.

Second—That to pass the resolutions, would be to censure the action of the Senate of the United States.

Third—That for this body to pass these resolutions, would be to usurp judicial functions, and decide upon conflicting legal points, and determine in a judicial manner, which we have no authority to do, the rights and claims of a private individual.

Fourth—That it is a matter between the petitioner and the General Government, and with which we have no right to interfere.

Now, Mr. Speaker, as to the first objection: That our delegation in Congress have a better opportunity of judging of the merits of this matter than we. First, it is not a question as to the merits or demerits of the claim of Juan Miranda, primarily considered, upon which we are to take action, but, shall the general law of the land be sustained? And when it comes to a consideration of the pure merits of the Miranda case, they have by no means as good an opportunity of judging as we have, even if they felt disposed to take the time for such investigation. In the first place, the claim of Juan Miranda has never been before the Supreme Court at Washington, and they cannot find the history of the claim there. And such documents as they may have there are nothing but copies of the original documents here.

The evidence which throws Miranda out of Court, and establishes the fact that he abandoned his claim because he deemed it worthless, is not a matter of record in the Supreme Court at all. It is a part of the record of the Superior Court of San Francisco, and something to which our Representatives at Washington can have no access.

Does any one suppose that if the affidavit of Valentine, swearing that he and his Attorneys had examined into the papers in this their pretended claim, and found the grant had never been signed, and that they considered it worthless—does any one suppose that if that affidavit had been read by the Clerk of the Senate while Valentine himself stood in the lobby, as do his friends here now, not daring to contradict it—does any one suppose the Senate of the United States would so far stultify itself as to grant him the relief provided in the bill which it is the object of these resolutions to oppose?

With regard to the second objection. It is no act of censure to inform the Senate of the United States that in our opinion they have, by listening to a certain statement of facts, arrived at a different conclusion from what they would, had the whole matter been fairly presented to them. Besides, these resolutions are not addressed to the Senate of the United States, but simply to our Representatives at Washington, whom we have a right to instruct as to matters which concern us locally, and particularly in the case of the Senator introducing the bill, who holds his office directly from the hands of this body. If we are satisfied that these resolutions reflect the sense of the people of California, we have the right, and it is eminently appropriate for us to transmit them to our Representatives at Washington.

With regard to the third objection, that to pass these resolutions would be to take upon ourselves judicial functions and decide upon the merits of Miranda's claim. Why, Miranda has no claim; there is no such claim known to the law. There is no Court in the land in which he could maintain an action on it. It is only against the *creation* of a claim by special Act of Congress that we protest. In connection with this protest, and to give convincing reasons why it should be sent on, we lay before you certain testimony to show how fully and completely Miranda is estopped

from asking any such relief from Congress. But it is not taking judicial notice of Miranda's claim; it is not in any sense extending or limiting his rights. We have no power to do so. It is only a request on our part that Congress shall adhere to the laws it has itself passed concerning land titles in California; that there may be some limit as to litigation of this kind; that there shall be some meaning in the solemnly promulgated law of the land; that there shall be *some* time when the citizens of our soil may rest secure in their titles; that there shall be *some* time when chaos and conflict shall cease. It is asking nothing but that the law shall not be tampered with for the benefit of one individual, to the prejudice of thousands, the rights of any one of whom stand in a more favorable light than those of the individual seeker of this special Act.

With regard to the final objection urged—that this is a matter between the petitioner and the general Government, and in which this State has no concern. Is it a matter of no concern to our State that the long and wearying struggle of conflict of land titles should, at some time, cease? The people have patiently waited twelve long years; have seen the hand of industry palsied and withered by the blight which has been over our land; have looked on with pain at the miserable, thriftless style of husbandry which naturally followed this confusion; have watched with ill concealed resentment the profit of the soil absorbed by the lawyers, who feasted on the rich harvest of litigation spread before them; have shuddered at the thought of the blood that has been shed and the lives that have been sacrificed in these endless disputes; have beheld with terror, even the grim and horrid spectre, civil war, showing its threatening front, not once, but *often*, in this contest. By the natural limitation of a wise and prudent law, the end at last approaches. The people cry, "Thank God!" but the lawyers say, "No! do not close it yet! This is a matter between the claimants and the General Government. It does not concern you, the State. Your Representatives at Washington are better fitted to judge of this thing than you. It would not be courteous in you to express any opinion in the matter. If they should choose to re-open the land claims in California, and furnish us with work for the next ten years, we beg you will not interfere."

Mr. Speaker, it is a noticeable fact that the opposition to this measure in this House comes entirely from lawyers. No one, not a lawyer, has spoken a word against these resolutions. Now, Sir, I had the honor, a few weeks ago, to be admitted as a member of the legal profession. I have not yet taken out my certificate, and if I believed it necessary, as a lawyer, to favor any scheme, just or unjust, to increase litigation, the parchment might lie there until it would rot, before I would touch it.

If I have any pecuniary interest in this matter, it is against these resolutions. I do not, directly or indirectly, own a foot of land covered by these grants. On the contrary, if the people of the State of California determine, through their Representatives here, that they are fond of law, that they are in favor of leaving this thing of land grants as a perpetual harvest for the lawyers; if, by refusing to protest against this special Act in favor of Miranda, they allow Congress to establish a precedent which will throw open for re-litigation over half a million acres of land in this State; if they say they are willing the title to every lot in Sacramento or San Francisco shall be at the mercy of any successful lobbyist at Washington; why, as a lawyer, I cannot but be benefitted by their folly. But one thing they shall not say, that they were prompted to this folly by any act or advice of mine.

The opponents of the resolutions have endeavored to defeat them by raising an interested and prejudiced issue. They have, in conversation, outside of this House, denounced them as the "radicalism of squatterism." I cannot see that there is any squatterism in the resolutions. Radical squatterism is something nearly obsolete in this State. The radicalism of squatter rights denounced all grants, good, bad, or indifferent. The radicalism of squatter rights limited every man to one hundred and sixty acres of land, unless acquired by purchase. These resolutions, on the contrary, recognize as of full force and effect, every grant finally adjudicated by the Courts, and propose a doctrine grateful to the ears of every honest grant-holder, that his title, once established, shall forever be respected. That no action of Courts, no Act of Congress, no act on earth, can compel him to go into Court to prove it again.

These resolutions are directed against fraud alone, and it is only fraud that will cry out against them. Sir, we all know the lobby influence that has been brought to bear against these resolutions here. This is the first fight the lobby has made. I am curious to see which will decide the question, the lobby or the Legislature. But do not imagine that this influence is directed against these resolutions merely because of their connection with the Miranda grant. The point sought to be made is to defeat these resolutions, so that the Miranda bill may pass at Washington, and pave the way for other bills of a like nature.

There are still hosts of fraudulent titles in this State awaiting only the sunlight of an Act like this to spring into a tropical luxuriance of growth. These fraudulent grants are well known to the legal profession. Any lawyer of experience in land matters in San Francisco can go into the Surveyor-General's office, can take the petitions of the cases on file, and as he runs them over, throw the good and bad in separate piles as easily as a flatboatman can sort a euchre deck from a full pack. Those grants lie there now, pregnant seeds of ruin to the best interests of our State. Pandora's box contained not more of dreadful evil than is now shut up in those innocent looking tin cases which hold these fraudulent and outlawed grants.

Let us not, like the poor fisherman in the story known to every youth, listen to the entreaties and honeyed words of the mysterious occupant of the box, which stole forth first as a gentle, pleasing vapor, but gradually grew in volume, till it resolved itself into the figure and attitude of a giant, threatening destruction to the very power that released him. In the fable, the fisherman persuades the giant to go back into the box to prove the possibility of so gigantic a power having been so lately confined within such narrow limits; and when the giant so retreated to the box, he replaced the seal, and held him there forever. But that was a fable! Trust not to any such delusive hope in this instance. Once let loose the genii of fraudulent and outlawed grants from the secure hold you have of them now, and you will all feel and tremble at their power.

Sir, a matter of vital importance to the State is now confided to our hands. The people's only hope is in our action now. Which shall triumph—interest and influence, or right and justice?

25,129 10

AN ADDRESS

BY

[William McKendree Gwin.]

Hon. W. M. GWIN

—TO—

THE PEOPLE OF THE STATE OF CALIFORNIA,

—ON THE—

SENATORIAL ELECTION OF 1857,

GIVING A HISTORY THEREOF, AND EXPOSING THE DUPLICITY OF BRODERICK.

—ALSO—

EXTRACTS FROM SPEECHES

DELIVERED AT VARIOUS PLACES UPON THE POLITICAL ISSUES OF THE DAY:

SAN FRANCISCO:
PRINTED AT THE OFFICE OF THE DAILY NATIONAL.

1859.

ADDRESS, EXTRACTS FROM SPEECHES, ETC.

OF

HON. WM. M. GWIN.

Statement of the Hon. Wm. M. Gwin.

SACRAMENTO CITY, Aug. 11th, 1859.

In the month of March, 1857, I prepared for publication the following address:

To the People of the State of California:

Immediately subsequent to my re-election to the United States Senate, the public was startled by the accusation, that for the purpose of obtaining the influence of Mr. Broderick, then a Senator elect, I had consented to enter into an ignominious bargain whereby I purchased his support, by agreeing to hold my position shorn of its legitimate influence, and subject to his control, particularly in questions of patronage. In other words it was charged, that in virtue of a contract, even alleged to have been signed before witnesses, and authenticated by a Notary Public, I had covenanted to be Mr. Broderick's inferior in the exercise of the high and important functions just delegated to me by the State. My address to you heretofore published, dictated under the influence of the excited feelings arising out of a bitter contest, was eagerly seized on, and its frank and impulsive declarations cruelly distorted into fancied evidence to support the accusation. Accustomed to the calumnies of political life, I at first looked upon this charge as one of those reckless assertions of which a defeated opposition always avails itself, by way of consolation—but the persistency and venom with which it was reiterated, in every imaginary form, arrested my attention even before my departure from the State. The gallant phalanx of friends who had sustained me during the arduous contest just then closed, gathered around me in unbroken ranks, in so unmistakable a manner, that no one could doubt but that I still commanded their undiminished confidence.

In conversation I openly, and on all occasions, denounced the accusation, with that honest indignation which governs innocence when unjustly assailed; but I did not then think it was proper for me to again open in the public prints a personal contest, which already had been decided in my favor by the representatives of the people of California. Nevertheless, during the eight days which intervened between my re-election and departure for this city, while the base slander was repeated in every Opposition paper in the State —while it was the talk in the streets of its cities, and was echoed and re-echoed through its gulches and valleys —while the most absurd publications and libellous prints circulated in every direction, wherein I was characterized as the "slave and serf" of Mr. Broderick, there was one man in the State who had it in his power to arrest these calumnies, to refute these charges, and to have rendered the State and myself justice by vindicating truth—and that man was Mr. Broderick himself. He not only had the ability to put the seal of eternal falsehood upon this charge, but his position was such that every sentiment which ennobles and adorns human nature rendered it incumbent upon him to come forward and exercise that ability. He was a Senator and I was his colleague; and the reputation of each was the common property of the State. As a gentleman, I was in every respect his peer; as a man, I had been wronged, and duty demanded that I should by righted. The charge was specifically made that he had in his possession the ignominious contract referred to. He was present and heard that charge; he knew that public sentiment was being affected by it; he never denied it in a satisfactory manner; he kept a guarded silence, so far as the public knew—and thus he sailed from the port of San Francisco, after having seen the charge made by the entire Opposition, and even a portion of the Democratic press, without having availed himself for the purpose of denial, of the same press equally potential to rectify the calumny as to originate it.

Nor in this did Mr. Broderick act without deliberation. He was repeatedly advised of the fact that his silence was claimed as tacit but conclusive proof of my culpability, and he was warned that justice required him in some public form to contradict the charge. Nevertheless he remained silent, and thus he passed through the Golden Gate, leaving my reputation and fair fame in the State of my adoption, to whose service I had devoted the latest and most laborious years of my life, without my buckler against a foul calumny which he had tacitly endorsed.

The same charge has followed me to the seat of Government and under all the circumstances I deem it due to the people whom I represent, that I should publicly meet and expose its falsehood.

Mr. Broderick still preserves to the public his accusing silence, seeking by personal explanation to right a public wrong, and therefore, beyond peradventure, it is becoming to me to assume that he is an accomplice in this slander, and to hold him responsible for it.

Since my leaving the State, I understand the public mind is becoming painfully impressed about this matter; and, therefore, considering the high and responsible station of my colleague, who by his silence endorses this charge, and the gravity of the accusation, I am induced to present myself before our common

constituency, to give to them a plain and unvarnished statement of the Senatorial contest, and of all matters that passed between Mr. Broderick and myself, out of which originated this calumny.

The political history of our country furnishes no parallel of so fierce and so long a Senatorial contest as the one which has just closed in California.

My Senatorial term expired on the 3d March, 1855, and the Legislature that met in 1855 would naturally, and according to the usage that has prevailed since the formation of our Government, be called on to fill the vacancy.

In the election that took place in 1853, no question was made before the people concerning the Senatorial term then held by me, but at the meeting of the Legislature in January, 1854, it became apparent that influences were at work to anticipate the election, and thus forestall public sentiment in the selection of my successor.

A more deliberate and unscrupulous violation of the usage of Government a bolder attempt to illicitly grasp the high honors of State, is not to be found in the annals of any of our sister States. In the face of the most appalling array of local influences; in opposition to the most formidable appliances, the representatives of the people calmly, but resolutely met the issue, and amid the infuriated howlings of the authors of this unholy scheme, defeated the attempted aggression upon the sovereign rights of the people of the State.

While the fever of this fierce struggle still inflamed the public mind, the Democracy met in Convention at Sacramento in the summer of 1854, when the smothered flames kindled in the previous session of the Legislature, again burst forth in angry charges and recriminations between the opponents and friends of the election project.

As the result of this excitement, the Democratic Convention separated itself into two distinct organizations, one of which, under the guidance and control of Mr. Broderick, met at Carpenter's Hall; and the other, influenced by opposition to him and the election project, met at Musical Hall. Each Convention put forth a separate ticket, and the solemn verdict of the people was invoked.

Mr. Broderick marshaled and arrayed his forces, and staked, as it was supposed, his political fortunes upon the result.

In speaking of history, it is no vanity in me to say that the healthy and robust influences which exercised a control in the Musical Hall Convention entertained no hostile or unfriendly sentiments towards me; but on the contrary, my re election to the Senate was regarded by them with most partial and kindly consideration.

The Whig party presented an unbroken front against the divided forces of the Democracy, and confidently anticipated success. The Legislature to be elected would be called on to fill the vacancy in the Senate about to be created by the expiration of my term. Hence the claims of prominent Democrats were freely discussed by the people in relation to the Senatorship, and especially were the claims of Mr. Broderick and myself closely scrutinized by the popular jurors. The result of the contest was the signal triumph of the anti-Broderick section of the Democratic party. We elected two members to Congress and a decided majority of the Legislature, and it was then supposed that the exciting Senatorial question would be legitimately solved by the election of the choice of a majority of the Democratic members of the Legislature.

Upon the meeting of that body, in January, 1855, at which period I was necessarily absent, in the discharge of my official duties, it was ascertained that a decided majority of the Democratic members favored my re-election. Thus, according to party usage—thus, according to the political polity under which our Government is carried on, after due and proper investigation, my Senatorial career was approved of by the people, and my re-election ordered by them.

Notwithstanding the political faction which recognized Mr. Broderick as their leader and embodiment had been defeated and utterly overwhelmed, by the verdict of the people, yet by counting Senators who held over and had supported his election scheme of the previous year, he still was enabled to rally about twelve followers to his standard.

In violation of party usage—in violation of the expressed will of the people—his friends in the Legislature refused to go into caucus, or submit to a caucus nomination, and thus combined with a few other factious Democrats, he was enabled to defeat my election and destroy the fruits of the great victory our party had achieved.

The Legislature adjourned without electing a Senator, and in the next Fall election the people set the stamp of their condemnation upon the Democratic party for its misdeeds while in power.

A complete and disastrous defeat overwhelmed us; we lost the Executive Departments of Government, and found ourselves in a pitiful minority in the Legislature on joint ballot. Yet a few counties remained true to the old faith, and sent their Democratic Representatives to Sacramento, and again a majority of that gallant band preferred me to Mr. Broderick. There was no election in 1856, owing to the Senate in which the Democrats were in the ascendancy, having refused to go into Joint Convention; and thus, by failures to elect, and by the lapse of time, it devolved upon the Legislature of 1857 to elect two United States Senators.

The result of the election in 1856 gave us an immense majority in that body, and again was committed to its hands the solution of this long contested question of Senatorship.

Though united by the excitement of the Presidential contest, still the Democratic party contained within its own ranks two well defined divisions, growing out of the struggle of 1854, and of opposition to or friendship for Mr. Broderick; hence the members of the Legislature could be classified as "Broderick" and "anti-Broderick" men.

For three years I had been the most formidable opponent of Mr Broderick, for the reason, among others, that he sought to elevate himself by becoming my successor, and hence, those who opposed him rallied on me as the representative of the anti-Broderick sentiment of the State, inasmuch as my success was his defeat. Against me, then, for nearly three years, the supporters of Mr. Broderick had directed their principal energies. To defeat me—to destroy me—was to secure, as they believed, the success of their leader.

For the purpose, my fellow citizens, of your perfect apprehension of all the facts herein stated, it is necessary that you should thoroughly understand this part of their history.

The great Democratic party was divided into two hostile camps. In one, for three years, Mr. Broderick had been the directing genius, and in the other were congregated all the elements of opposition to him, his friends and his measures. The anti-Broderick men held him responsible for the administration of the State Government under Gov. Bigler, and of the city government of San Francisco for many years, and they believed that the overthrow of the Broderick party was essential to the purification of political morals. For three years I was held up in opposition to Mr. Broderick, and made the instrument of his defeat, as far as possible. As I before remarked, this distinction into Broderick and anti-Broderick men was well

defin-d among the members elect of the Legislature.

Immediately after the last election, it was ascertained that the anti-Broderick wing of the party had triumphed, and had the majority in the Legislature.

Whatever may be Mr. Broderick's faults no one can deny to him a thorough understanding of California politics, and hence, he at once discovered that if he permitted the sentiment in opposition to him to concentrate against him, by opposing me, as he had done for three years, he would be inevitably overwhelmed. He therefore abandoned the contest with which he had shaken the State for three years, abandoned his endeavors to succeed *me* in my Senatorial seat, and directed his energies to be the successor of Col. Weller.

The effect of this *coup d'état* was immediately apparent Upon his retreating from a contest with me, numerous candidates sprung up to oppose me, and the most formidable of them were found in the ranks of those who heretofore had been anti-Broderick men, and who had thrust me forward as the champion of their opposition to him. Mr. Broderick's object was instantaneously obtained by the disorganization of the anti Broderick strength.

The relative strength in the Legislature of the Broderick party proper, may be estimated at thirty out of the eighty Democratic votes, and of the anti-Broderick at fifty; hence it was well understood that he must obtain ten men from his opponents to secure his nomination.

When the contest first commenced, out of the fifty anti Broderick men I had reason to believe I had over forty supporters, but during its progress, at least a dozen changed. I wish to animadvert upon no man's motives except when it is necessary for my own justification, and I hope those gentlemen who were nominated as my friends, and elected as such, will be able to explain satisfactorily the motives that caused them to change their position.

But be that as it may, the anti Broderick party was disorganized and it was discovered that, owing to its division as to the proper person to be elected as my successor, it was impossible to concentrate it upon Col. Weller; and Mr. Broderick thus accomplished the very object he sought in becoming his competitor. While Mr. Broderick, personally, may have had thirty supporters it was well understood that amongst them were independent gentlemen, whom he could not control beyond their friendly support of him, yet at the same time, it was asserted, with how much truth I know not, that there were upwards of sixteen that would vote for any man as my successor, according to his suggestion.

Previous to the meeting of the Democratic caucus, the excitement necessarily ran high in Sacramento, and it was openly charged by responsible gentlemen, that Mr. Broderick and Mr. Latham had an understanding, whereby their combined influences were to be exerted to secure for themselves the two Senatorial seats. I wish, fellow citizens, in making to you this plain statement of facts, to complicate the subject with no side issues, and hence, in reference to Mr Latham, I will only state what subsequent events have proved to be unquestionably true. That my feelings towards him may not influence me to place his position unfairly before the public, what I now publish in regard to this combination between him and Mr. Broderick, shall be in the language of his most devoted and influential friend in that contest, the Hon. Charles L. Scott, one of your representatives in the present Congress.

In a letter addressed to me, Mr. Scott says:

* * * "As one who was honored with the confidence of the Hon Milton S. Latham, and who acted during the whole of the Senatorial fight as his devoted friend, I most cheerfully comply with your request as far as Mr. Latham and Mr. David C. Broderick are concerned, in order that the falsehood, treachery and duplicity which were practiced by Mr. Broderick on my friend may be fully exposed. I now proceed to the statement of facts as they occurred within my knowledge.

"I was in San Francisco on the 4th, 5th and 6th days of December 1856, a month previous to the elections in Sacramento city. During that time I had frequent conversations with Mr. Latham relative to 'Senatorial matters.' I was a friend of yours as well as of Mr Latham, and consequently I was desirous that Mr. Latham should run for the 'long term,' so that his aspirations would not conflict with you in the approaching Senatorial fight. I urged these views upon Mr. Latham; he replied that his chances for success for the 'short term' were decidedly better than for the 'long term,' giving his reason, that if he ran against you he could get a large number of Broderick and Weller votes that never could be induced to go for you, but if he ran for the 'long term,' or 'Col. Weller's term,' he could only get the votes which he already had, without any hope of drawing from the Weller or Broderick forces.

'He satisfied me that his chances for being elected to the 'short term' were decidedly better than they were for the 'long term.' I pledged him my support with the express understanding that he was not to demand or expect me to aid or assist Mr. Broderick in any manner. This being agreed upon, I left San Francisco and used my utmost exertions for Mr. Latham in my own country and other sections of the State, up to the meeting of the Legislature.

"I arrived in Sacramento city on the 3d of January, 1857, two or three days previous to the meeting of the Legislature. After the passage of the joint resolution on the 7th January, 1857, to go into the election of United States Senator on the 10th of January, I was present at many interviews that occurred between the Hon. Jas. M. Estill, of the Assembly, the mutual friend of Mr. Broderick and Mr. Latham, but looked upon by me as the special agent of Mr. Broderick In these interviews, on Wednesday and Thursday, the 7th and 8th of January, 1857 a great desire was evinced on the part of Mr. Broderick's friends to ballot in 'caucus' on the evening of the 8th, for the six years' term first. Gen. Estell, acting for Mr. Broderick, and in his own name, pledged himself to Mr. Latham, that if he would agree to this arrangement, and get his supporters in the Legislature to render sufficient aid to carry it, and nominate Mr. Broderick on the first ballot, that he (B.) would unite his entire strength with that of Latham's, and make him his colleague in the United States Senate. Mr. Latham acceded to the propositions, and his supporters in the Legislature voted for the 'long term' first, as it would render Mr. Latham's nomination certain for the 'short term.' In accordance with this agreement, when the 'caucus' met on the evening of the 8th of January, Mr. Latham's friends voted to nominate the Senator for the six year term first, which movement being successful, Mr. Broderick was nominated on the first ballot, having received forty-two votes, one more than necessary for a choice, four of Mr. Latham's friends voting for him. Mr. Latham then expected to be immediately nominated, as Mr. Broderick, through his agent and friend, Gen. Estell, had most solemnly pledged himself that all his (B.'s) friends, should

unite with Mr. Latham's to accomplish that object, but instead of complying with this solemn obligation, after two ballots by a movement of Mr. Broderick's friends 'the caucus' was adjourned over to the evening of the 9th of January.

"Both Mr. Latham and myself were incensed and exasperated at this gross violation of plighted faith, and determined that this conspiracy should be exposed, and that we would unite with the opponents of Mr. Broderick, which composed a large majority of the members of the Legislature, to prevent Mr. B.'s election in 'joint Convention' on the 10th of Jan. We also determined that we would nominate and elect you for the short term; our purpose was not concealed, as Mr. Latham publicly remarked that he would either be 'king or king-maker'—meaning that he would either be Senator, or he would make the Senator.

"When this became known to Mr. Broderick and his friends, they at once renewed their pledges to Mr. Latham in the most solemn manner, that Mr. L. should be nominated; that all Mr. Broderick asked of Mr. Latham was to hold his friends together in caucus on Friday night, January 9th, and vote for the adjournment of the caucus to prevent any nomination for the 'short term;' that on the 10th, Broderick would be elected, and would have his commission in his pocket; and at the 'caucus' held that (Saturday) night, Jan. 10th, he Latham, should be certainly nominated. By the violation of faith in the first caucus, I had lost all confidence in Mr. B. and his friends, but Mr. Latham still had hopes, and believed in their sincerity, and I was resolved to stand by him to the death.

"The second caucus met on Friday night, January 9th, and after a few ballots adjourned until Saturday night, January 10th; you and Mr. Latham both increasing in your votes during that session of the caucus.

"On Saturday, 10th of January, Mr. Broderick was elected on the first ballot in 'joint convention,' and received his commission. I was still satisfied that Mr. B. intended to deceive Mr. Latham, and brought about an interview between Mr. Latham and your friend, A. C. Peachy, Esq., in which it was determined that if Mr. Latham was not nominated on the third ballot on that night, (Saturday, Jan. 10th,) that he would throw his entire strength for you and nominate you.

"Mr. Latham publicly stated the above fact, and as Mr. B. seemed to have established a regular system of espionage upon the movements and actions of all the Senatorial aspirants, I have no doubt that one of his spies conveyed this intelligence to him, for Mr. Broderick sent the most solemn pledges and assurances that Mr. Latham should be nominated; that Mr B.'s friends never could support you; that there was an impassable gulf between you and him; that he (B.) might not be able to bring a sufficient number of his friends that night (Saturday, Jan. 10th) to nominate him; but as certain as there was a God, that if he would aid his (B.'s) friends in postponing the caucus until Monday night, that he (Latham) should be nominated. The caucus, on the eigth ballot, failing to nominate it was adjourned until Monday night, January 12th."

It will thus be seen, fellow-citizens, from the evidence of the most confidential, influential and devoted friend of Mr. Latham, that but for the combination between that gentleman and Mr. Broderick, my nomination and election to the seat I now occupy was certain and inevitable. I was the second choice of a sufficient number of Mr Latham's friends to have secured my nomination at any ballot from the beginning to the close of the caucus. This is stated by Mr. Scott in the most positive manner, and no man can deny it. They were a portion of the anti-Broderick members of the Legislature—were elected as such—and voted against him in the caucus, although they were seduced by the promises and allurements of Mr. Broderick to bring on the nomination of Col. Weller's successor first, under the belief that they would thereby effect Mr. Latham's nomination as my successor. It will be seen, further, fellow-citizens, that if Mr. Latham had not been a candidate against me, there was not a shadow of doubt of my nomination and election.

I believe that I was the choice of a large majority of the Democratic party, and, I may say, of the citizens of the State. My conscience told me that I, in all things, had endeavored to bear myself well and purely in the discharge of my high duties, and I believed the people had endorsed my Senatorial career. A great and powerful section of the Democratic party had attached its fortunes to my election, not for the corrupt purposes of politics, but for the amelioration of our State affairs, and my defeat would be not only a disappointment to the people, but the destruction of many healthy reforms, and a triumph of many unsuspicious influences.

In the discharge of my Senatorial functions during my first term, it was my fortune to have acquired an influence with the Executive Department of the Government which gave me great weight in the disposition of Federal patronage. This, in my chequered Senatorial career, was the bitter cup the contents of which I had exhausted to the dregs. The fatality of this influence followed me everywhere; no place in Washington was safe for me—it tracked me to the Senate Chamber, and embarrassed me in the actual discharge of my duties—it followed me to my home, and deprived me of its relaxations and pleasures—it brought me in collision with parties whose friendship I was anxious to secure, forced me to become a petitioner at the Executive Mansion, involved me in a laborious and disagreeable correspondence, and, sadder than all, it poisoned the mind of friendship and turned its kindly sentiments into vindictive hate.

In the course of an eventful life I have been called upon to perform high and important duties—to resolve on and in part determine questions of the greatest importance—to promote legislation affecting the fortunes of millions of people—to institute expenditures of a vast nature—and in all the relations of private life, heavy responsibilities, as a friend or foe, have devolved on me with fearful weight. Yet there is no imaginable burden growing out of any or all of these responsibilities that I would not more cheerfully reassume than that of the dispensation of the Federal patronage in California, even if I were able to control it. I have been stung to madness by the varied trials that its attempted exercise has imposed upon me, and even now, when I glance back at the last six years and contemplate their rapid flight in relation to this matter, I would rather go through the struggles of poverty—I would rather live upon a boisterous sea, separated from kindred and friends, than again have my cup of life filled with the bitter drops which already have been distilled into it from this prolific source.

Feeling thus sensitively upon this subject, it is unnatural to believe that I have been silent, and concealed my feelings. So far from this, I believe that here can be but few friends of mine in California, who have not heard me express these sentiments, and avow my determination not again, if I should be re-elected, to actively interfere with the federal patronage within its borders, and hence, these gentlemen who have given me their support under the trying circumstance of the late election, must necessarily have been influenced by pure and disinterested motives, as they generally well knew of my determination.

I am well acquainted with the duties of my Senatorial position, and it was, and now is, my ambition to identify my name with those great legislative meas-

ures which our State needs for its more complete development. How rich—how vast is the field for the labors of a Senator from California—how great the results to this and future ages, if he wisely sow the seeds of future empire, which now are locked up in the undetermined legislation of Congress. How small—how pitiful in comparison, is the question of who shall be Postmaster at Negro Bar, or Indian Agent at Nome Lackee. Filled with these feelings, I entered into the contest, and my opinions were well known to my friends, for I had openly avowed them everywhere, on all proper occasions. *Immediately* after the adjournment of the caucus, on the evening of the 10th of January, when Mr. Latham had, as I believed, violated his pledges, I was approached by a confidential friend of Mr. Broderick, who had also for years professed to be a friend of mine, and had given some decided evidences of his sincerity. He told me that Mr. Broderick preferred my election to the Senate to that of any other man in the State; that he was then a Senator, and had his commission in his pocket; that he needed the experience and influence which I possessed, in a colleague, to secure for him credit and honor in his own Senatorial career—that he had but one obstacle in the way of aiding in my nomination, and that was, he could not control his friends; that he was under obligations to many long and devoted adherents, who had followed his fortune in its most desperate hours, and that it was expected of him by them, (so long kept out of office by adhering to him,) to discharge his debts of friendship by the bestowal of a fair proportion of the Federal patronage; that Mr. Broderick and his more confidential friends around him, knew of my declaration to have nothing to do with this patronage. But others, who had a powerful control in the Legislature, did not; that from the knowledge of my high personal and political position at Washington, they believed I would absorb the disposition of the Federal patronage, and hence not his personal inclination, but merely a loyalty to these friends constrained Mr. Broderick not to interfere in my behalf. Whether I was approached for a purpose, at this particular juncture, in the heated and exasperated state of mind under which I was laboring, in regard to Mr. Latham and his friends in the Legislature, who had belonged to the anti Broderick section of the Democratic party, who were under obligations to sustain me in the hour of trial, in the same manner that they had put me forward to oppose Mr. Broderick in the hour of perilous struggle, I leave you to determine.

I am now about to manifest my good faith to my constituents, by unfolding to them, not my feelings only at this time, but my acts.

Under the circumstances that I have just detailed, whilst I was under the influence of the impression that I was betrayed—that in my person important political interests were to be defeated, I determined to address the following letter to Mr. Broderick:

SACRAMENTO CITY, January 10, 1857.

DEAR SIR:—I am likely to be the victim of the unparalleled treachery of those who have been placed in power through my aid and exertions. The most potential portions of the federal patronage is in the hands of those who, by every principl that should govern men of honor, should be my supporters, instead of enemies, and it is being used for my destruction. My participation in the distribution of this patronage has been the source of numberless slanders upon me, that have fostered a prejudice in the public mind against me, and have created enmities that have been destructive to my happiness and peace of mind for years. It has entailed untold evils upon me and while in the Senate, I will not recommend a single individual to appointment to office in this State. Provided I am elected, you shall have the exclusive control of this patronage, so far as I am concerned, and in its distribution I shall only ask that it may be used with magnanimity, and not for the advantage of those who have been our mutual enemies, and unwearied in their exertions to destroy us. This determination is unalterable, and in making this declaration, I do not expect you to support me for that reason, or in any way to be governed by it, but as I have been betrayed by those who should have been my friends, I am, in a measure, powerless myself, and dependent upon your magnanimity.

Very respectively,
Your obedient servant,
WM. M. GWIN.

HON. D. C. BRODERICK.

I wrote it frankly and in good faith. I entertained no guilt in penning it, the very words I used show that. I never for a moment dreamed of making a bargain with Mr. Broderick, when I stated to him the position which I intended to occupy in case of my re-election, any more than when I refuted some unjust charge brought against me—that therefore I was making a bargain, by speaking the mere truth. It is impossible for any honest man to believe that I deliberately intended thereby to bid for Mr. Broderick's support. I speak in the language of one who deemed himself betrayed, time and again, by violated pledges of false friends, and also of one who had confidence in the statements made to him—that Mr. Broderick personally desired his election to build up his own fame as a Senator, and promote the interest and welfare of his State. Impressed with the belief that Mr. Broderick's friendship, and of the treachery of men whose support I thought I was entitled to, I prepared for publication the whole matter as embodied in the address that was published at Sacramento. The time and manner of publishing that address was an outrage upon me and a part of the well concocted conspiracy for my destruction, which I am now exposing to you.

But how stands the case with Mr. Broderick? Did he make this insidious advance to me for the purpose of using his powerful position as Senator elect, to commit the prominent candidates for the seat I now occupy in the Senate—under promise of his support—to give him the entire appointing power of the State? Let Mr. Scott speak still further on this subject:

"On Sunday, the 11th of January, Mr. Latham had a personal interview with Mr Broderick, and stated that the nature and character of that interview was as follows: 'That Broderick wanted him to relinquish, in writing, his right as a United States Senator—if elected—to apportion the federal patronage of California.'"

It thus appears that Mr. Broderick had no sooner succeeded, under false professions of friendship, in inducing me to address him a letter embodying sentiments which it was known I entertained, and intended to practice if elected, than he at once attempted to get a similar declaration from Mr. Latham, who never entertained such sentiments, and never intended to practice them if elected. If a parallel case of prostitution of high official position, of perfidious profession of friendship and premeditated design to deceive either one party or the other, and perhaps both, can be found in our history, I am not aware of it. That he intended to use the position he held to bargain for the Federal patronage, and use it in paying his electioneering debts, is here exposed to the light of day—for my letter speaks for itself, and his proposition to Latham followed in quick succession. That he should thus have laid himself liable to exposure and disgrace, can be accounted for only in one way—he was intoxicated with his unexpected success.

With a decided majority against him in caucus, he had by deception successfully practiced more or

less upon every aspirant for my seat, secured his own nomination and election as Col. Weller's successor.

I have thus, fellow citizens, given to you a truthful statement of the facts connected with my intercourse with Mr. Broderick, and after a few comments on them, shall leave the whole subject for your consideration.

Since the election, I have satisfied myself that from the beginning of the contest to its close, Mr. Broderick worked to deceive and injure me. It is proper I should state that he sought a personal interview with me before the Legislature met, to urge upon me to make the same combination with him that he had then made with Mr. Latham, as subsequent events have proved, which was to result in the nomination of each of us to the Senate. I referred the proposition to my leading friends in the Legislature after it assembled, when they sternly rejected it, preferring my defeat to my success with Mr. Broderick as a colleague. He was making propositions to both Mr. Latham and myself, at the same time, to secure his own nomination—intending, no doubt, to deceive us both.

I have good reasons to believe that he effected combinations with other aspirants for my seat in the Senate, under promise to secure their election as his colleage, in the event that they would bring in their individual strength to his support to secure his nomination. After his own nomination, with the most consummate and insidious dexterity, he placed himself in such a position towards all the aspirants, that in case of the election of either of them, he would be able to claim that the nomination was the result of his peculiar friendship. I confess that until subsequent to my election, he produced that impression on my mind, and he and his friends have since industriously endeavored to sustain this claim. Upon further investigation, I am thoroughly convinced that the assumption is unfounded and false, and I was mistaken in so stating it in my address. I will give in part and briefly, the testimony upon which I make this statement.

Previous to the ballot on which I was nominated, I received thirty-one votes, and only wanted nine more to nominate me.

On the last ballot, the following gentlemen changed to me: the four Assemblymen from Yuba, (two of whom, although they voted for Mr. Broderick's nomination, no doubt under the belief that by thus voting they would promote the election of their friend, Judge Field, were classed as anti-Broderick men,) Hume, (who had frequently voted for me before,) De la Guerra, Dosh, Covarrubias, Davidson, Hunt, Hall, Wood, Miles of Santa Cruz, Steele, (violent anti-Broderick,) and others.

Upon the floor of the Assembly, the most of these gentlemen have stated that they were not aware that Mr. Broderick desired my nomination, and that he never spoke to them, even hinting that it would be agreeable to him for them to vote for me. On the contrary, Mr. De la Guerra has stated to me that just as the caucus assembled, and as it commenced its session on the night I was nominated, Mr. Broderick urged him to continue voting for Judge McCorkle during the whole of that session.

Hence, I acknowledge the mistake I made in my address, and for the vindication of the truth of history, I assert that the interference of Mr. Broderick was not an efficient and material agent in procuring my nomination. Seizing upon my letter, which frankly and without suspicion I had written to him, Mr. Broderick and his friends have, in my opinion, encouraged the belief that he possessed some fabulous contract of bargain and sale, in virtue whereof I became his "slave and serf." They falsely believed that taking the two isolated facts, viz: that I renounced the fatal influence of patronage, and Mr. Broderick assisted me, that therefore the conclusion followed—one was in consideration of the other. They believed that they would raise a storm of public indignation that would appal me and force me among their satanic legions for protection. They thought to permit this accusation to blacken my reputation, that they might batten on its decay. Hence, Mr. Broderick kept silent, and by his silence accused me, and at the same time afforded presumptive proof of my guilt.

But one thing he and they never calculated upon—and that is, strong in my conscious rectitude, free from fear on account of my actions, I would expose to a generous constituency, to a high-spirited people, the foul conspiracy to rob me of my reputation, and thereby to impair my ability to serve the State.

While it has been, for the last two years, and now is, my desire not to interfere actively in the disposition of the Federal patronage in our State, yet, I pledge myself to my constituents that no improper nomination, so far as my knowledge goes, shall ever pass the Senate, if my voice raised against it and my influence can prevent it.

WM. M. GWIN.

Washington City, March, 1857.

The reason that this address was not published at the time is explained in the following letter:

WASHINGTON CITY, March 19, 1857.

DEAR SIR:—For several weeks succeeding Dr Gwin's arrival here, I was detained by illness from this city. In the meantime all intercourse except on official business, had ceased between him and Mr. Broderick, and Dr. Gwin had prepared, and was about publishing, a most violent address, which in my judgment would have been most unwise, and injurious to the best interests of their constituents, entrusted to their charge. At my earnest solicitation the Dr. arrested the publication of this address, as well as the statement he was about to make in open Senate, when he first took his seat, and I had a conference with Mr. Broderick. This gentleman had held a public position, of a confidential and important character, in connection with the Treasury Department, during my official term, and the relations between us, on both sides, were most cordial. During the interview with Mr. Broderick, my mind came to the conclusion that there was no just cause of alienation between him and the Dr. Finally at my earnest request, a meeting took place between them, in my presence; full explanations were had, satisfactory to both parties, and most gratifying to me, and every paper producing estrangement, was then given to the flames Mr. Broderick then voluntarily, in the most manly and emphatic manner, announced his determination on his return to California, in a published address to his constituents, to give the most conclusive contradiction to the charge of any bargain or understanding between the Dr. and himself, as regards the Senatorial election. Indeed from the commencement and throughout my conference with these gentlemen, both always insisted, that on no just construction of their acts, was their any cause for such an accusation. Indeed, upon a full knowledge of all the facts, I ascertained that this charge was wholly unfounded. Dr. Gwin has acted throughout, on my advice, as an old and intimate friend, and you may rest assured, his friends in California will unanimously entirely approve his course, as due to himself and to Mr Broderick, and especially, a solemn duty to the people of California, whose vital interests entrusted to his charge, would have been so deeply prejudiced by any other termination of this controversy.

Very truly,
Your friend,
R. J. WALKER.

HON. J. L. BRENT, Los Angeles, Cal.

On the 6th of June, 1857, in a letter to A. Reddington and J. P. Dyer, Mr. Broderick says: "But between Mr. Gwin and myself there was no condition whatsoever in regard to the distribution of patronage."

The question rested here until Mr. Broderick re-

opened it at Placerville. I stated briefly at Grass Valley and Forrest Hill that I would have something to say when Mr. Broderick gave the details which he had promised. He went into the subject in detail at Nevada. Among other things, he said that I sought an interview with him, and (I quote his language:)

"He voluntarily assured me that if my friends would support him, in the event of his election, he would aid me in giving my friends the offices under Buchanan's Administration."

I make this direct quotation to prove that what he said at Nevada was false, if he told the truth in his letter to Messrs. Reddington and Dyer. In reference to his whole statement on this subject at Nevada, I said at Yreka:

"As to his remarks about the Senatorial election, they are a tissue of falsehoods, from beginning to end, I know the main portion of his statements about Latham to be *false*. Latham was a victim to Broderick's villainy in that contest. Under the garb of friendship, he concocted a conspiracy against me that is without a parallel in this or any other State; he deceived, and then tried to ruin me; but I turned upon him and his myrmidons, and will pursue them as long as I live. I acknowledge with shame, that for a time I was deceived by him; and I am willing to atone for it in sackcloth and ashes. To suppose he was my friend, was, of itself, a *degradation* that nothing but the passion engendered by a bitter contest would justify. He intended to defeat my nomination, while professing to be for me, up to the very moment when it was made in caucus. After his schemes had failed, he attempted to destroy me. I have abundant proofs of these facts, and had prepared them for publication, in Washington City, two years ago last Spring.

"He heard of it; and like a *cowering hound*, begged for quarter. I was over persuaded, then, to desist, by his solemn promises that he would publish an address to the people of this State, contradicting the vile slanders he had himself, concocted against me. He then had some hopes of being a respected member of the Senate, and he knew that on the publication of the facts that I had collected, he would be recognized as a *disgraced man!* Now he has no hopes; he is *infamous*, and is trying, by falsehood and misrepresentation, to bring down *others* to his level. He also hates the Democratic party, whose representatives in the Legislature have branded him as the most *infamous man* that ever sat in the Senate. Hence, his falsehoods about Latham, our nominee for Governor and his attempt to shift the controversy from *me* to *him*, to injure his election. But this shall not avail him; I am no candidate, and the contest between us is personal, and outside of the party contests of the day. He does not attempt in his speech, to disguise the fact that he was prostituting the high office, that had just been conferred upon him, to monopolize the federal patronage, to pay his *electioneering debts*. Whilst it is false that I intended, by any act of mine, to say or do more than to abstain from the contest for the federal offices in this State —as I had said a thousand times before I had any intercourse with him, he acknowledged that he was in the market. His own election will, in my opinion, be proved to have been brought about by promises he never intended to perform, and other *base acts* that no one else would have resorted to."

At La Porte, speaking of me, he says: "He found himself in the United States Senate a disgraced man; for he accepted his election upon terms which no honorable man would agree to." He here contradicts what he had said both to Reddington & Co., and at Nevada.

At Yreka he promised the full history of the Senatorial election in this city on the 9th inst. At Weaverville he said, alluding to me, "When he basely sold his followers to accept of a seat in the United States Senate, on terms to which no honorable man would agree, I felt a contempt for him." If this is true, what he said to Reddington & Co. in June, 1857, is false. Again, he says, "I went to Washington immediately after my election; it is true I did not speak to him (Gwin) then, I refused to do so." Governor Walker says in his letter, "A meeting took place between (Broderick and Gwin) in my presence; full explanations were had." This shows he told another falsehood. Again, he says, "I wish here to state that this 'bargain,' so called, in regard to the filling of the Federal offices, was made by Dr. Gwin and William I. Ferguson, of Sacramento." In reply, I published the following letter from Mr. Ferguson.

SACRAMENTO, February 3d, 1857.

HON. WM. M. GWIN—Dear Sir:—I hope you will pardon me for the liberty I take in addressing you this note, as I presume you are harrassed with similar epistles from all parts of the country.

"Since the departure of the last steamer all the hubbub raised in regard to the late Senatorial election has subsided. Those who were then as rampent as hyenas, are now as meek and cooing as doves. Nothing of any particular interest has transpired in the Legislature since your departure.

"During the past week I have obtained a recommendation for the position of United States District Attorney, from all the Democratic members of the Legislature except six. Believing, as I do, you to be my friend, I thought such an endorsement from your immediate constituents and the representatives of the party, would tend to relieve you from any embarrassment in giving me your active support in the first instance, and release you from any implied obligation to not assist in the removal of Blanding. The only claim I have to urge with you, personally, is the part I took for you in the late election, in which I certainly, in good faith, did all I could to secure your election and defeat Latham. You know whether I worked faithfully in working with some of Broderick's friends to secure that result. For doing so I have incurred Latham's bitter and lasting enmity; he has so proclaimed it. And now, my dear sir, if you will use your influence. I know I will obtain the position —without your aid, I fear my prospects are gloomy. If I obtain it, I am where I can—as a friend—render you efficient service; and your kindness will by me ever be cherished in grateful remembrance.

"Some of my Illinois friends have written to Douglas, who, I know, is your friend, and would be pleased to act in concert with you.

Truly your friend.

W. I. FERGUSON."

If Mr. Ferguson had bargained with me for all the Federal patronage in California, will any man believe that he would have written the above letter, asking me to support him for District Attorney? No more conclusive proof of the falsehood of Mr. Broderick's statement could be produced than this letter.

He next takes up the Senatorial question in his speech in this city. He produced a copy of my letter to him, dated January 10th, 1857. Mr. Walker, in his letter, explains what had become of the original of that letter. He says, "Every paper producing estrangement was then given to the flames." Mr. Broderick pledged his honor that no copy was in existence. I do not know whether this is a correct copy or not, nor do I care. I assume that it is.

I will now refer to the positions that Mr. Broderick and myself occupied at the date of this interference of Governor Walker. He was then in a fierce conflict with his opponents for the Federal patronage of this State, and the result doubtful. I was standing aloof from that conflict, and while I spoke freely my opinions in regard to individual contestants, it was not of vital consequence to me what the result might be. It was to Mr. Broderick; defeat was his ruin, as consequent events have proved. If this address had then been published, it would inevitably have destroyed Mr. Broderick's influence with the President, who would not have appointed any of his friends until this controversy with me was settled.

Again. The personal imputations I had cast upon him in that address, must inevitably have re-

sulted in a hostile meeting between us, which I was prepared for, and was ready to abide the consequences. My reputation had been assailed, and he had failed (although promising privately, time and again, to do it,) to render me that justice that I was entitled to at his hands, and I vindicated myself by making him responsible for the wrong inflicted on me.

In regard to the letter, a copy of which Mr. Broderick read in this city a few nights ago, I will say that it only expressed my determination as to my future course in Federal appointments in this State, and I have acted up to it. I have made no recommendations, as the public archives in Washington will show. After Mr. Broderick quarreled with the Administration, I intended Mr. McKibben and Mr. Scott should recommend persons for appointment in this State. I was opposed to the system of rotation, except for cause, and resisted the removal of good officers, when in my judgement the public service would be benefited by their retention. When Mr. McKibben quarreled with the Administration, I left these recommendations to Mr. Scott.

With no other colleague who acted with him in the support of the Administration, he was necessarily compelled to ask for my advice. In regard to the appointments that have been subsequently made, I have invariably declined joining in any recommendation, with the exception of some subordinate appointments made by the heads of Departments.

Curses, like chickens, come home to roost. Mr. Broderick invoked them on me when he read the letter, but omitted to say, that it was returned more than two years ago, when nothing but mortal fear of death or dishonor would have induced him to give it up. I intended to publish it to the world and meet the consequences; he, to prevent its publication, destroyed the original, and kept a copy for future use. The use he intended to make of the letter, subsequent events have developed.

He immediately tried to get one from Latham, and then, by their publication, defeat us both. He intended to defeat my nomination at all hazards, and exerted himself to prevent a nomination on Monday night. Judge McCorkle said, in the presence of Gen. Denver, Mr. Smith and Mr. Clark, evidently alluding to this letter, that if I had not been nominated that night, it would have been published next morning to scatter my friends and thus prevent my own nomination, but Senator Dosh broke the line, and thus defeated this well concocted scheme to defeat me. Broderick says he felt "as proud as Lucifer," at his election. Like Lucifer, he rose, and like Lucifer he has fallen to rise no more. Lucifer is the Father of Lies, and David C. Broderick may well liken himself unto him.

Very respectfully, your ob't servant,

WM. M. GWIN.

Senator Gwin, at Weaverville, on Senatorial Election of '57.

The following extract from the speech of Senator Gwin, made at Weaverville, on the 26th inst., satisfactorily explains the "reason why," he once thought Broderick aided in his re-election, and fully expresses his present views on that subject:

If any disgrace could be connected with my name in the Senate, it would be by having it associated with Broderick. I did think he favored my election at the time I was nominated in caucus, but I was soon undeceived; and as I stated in Yreka, I had evidence that satisfied me that he opposed my nomination from first to last, and I will now state that evidence which I intended to postpone until I could return home and make the statement direct from the documents; but for his remarks at La Porte, I will hereafter produce them. During the last ballot in caucus, when I was nominated, Senator Dosh, in a few remarks, stated that he voted for me under the hope that the contest could, in that way, be ended, and indicated that he would not continue to vote for me, unless by so doing he could aid in my nomination. He has authorized me to say that neither Broderick or any one in his name ever approached him on the subject, nor had he the remotest idea that Broderick wished me nominated. In fact, Judge McCorkle complained of the change from him to me, and said, if no nomination had been made that night, he was very certain of his nomination at the next meeting of the caucus. When Senator De la Guerra's name was called, he announced his determination to vote for me, and spoke with eloquence and effect in favor of my nomination. The speeches and votes of these two Senators were the main causes of my nomination. Other members, after giving their reasons, also voted for me, and I received forty-seven votes—six more than a majority of the Democratic members of the Legislature. Senator De la Guerra informed me that up to the moment when the caucus met, he was urged by Mr. Broderick not to vote for me that night, and he was so earnest on the subject, and the interview so protracted, that the caucus was in session when he reached the Capitol. After my departure for Washington city, there was a debate in the Assembly, participated in by nearly every member of that body who had voted for me for the first time on the ballot, when I was nominated, and they all denied any knowledge of Mr. Broderick's preference for me, or that he had influenced or attempted to influence any one of them to vote for me. This debate was extensively circulated at the time through the newspapers, and I will cause it to be published again. The details I do not now recollect, but taken in connection with the remarks of Senator Dosh and De la Guerra, they furnished conclusive proof that I did not receive the votes that nominated me through the friendship or agency of Mr. Broderick. I have, also, positive proof that it was the earnest exertions of Mr. Broderick and those of his active adherents, who also voted for Mr. Latham, that prevented the withdrawal of that gentleman in my favor—on both the second and third sessions of the caucus, which would have made my nomination certain. I will publish this also, to show that from the time he secured his own nomination, until mine was made, he exerted himself to defeat me. This recorded evidence of the members of the Assembly, and the votes and speeches of Senators Dosh and De la Guerra, prove that the disgrace of being aided by Broderick, does not attach to my election. I have no doubt that he had laid his plans to defeat both Latham and myself, if he could prevent a nomination that night. Before the caucus met again, he expected to be able to destroy us both by circulating the report of the purloined letter and my bargaining off the Federal patronage to him, and thus secure the nomination of Judge McCorkle, or some new man. But the independent gentlemen who voted for and nominated me, without any knowledge on his part that they intended to do so, frustrated his plans. None of these gentlemen informed me of their intention to vote for me. It was their free, independent act, and as many of them declared in the debate I have referred to, to end the contest. If any one of them ever applied for office, it was not through me, and if any were appointed, it was not with my aid. So the disgrace of being nominated by the assistance of Mr. Broderick, does not attach to me. I thank God for it. It is humiliating enough to me that I believed, or was so far led off by the excitement of that contest as to imagine he had rendered me his aid. I acknowledge that every connection I have had with him was disreputable to any *gentleman*. I ask pardon of the people of California. I will make up for it by opposing him in all his schemes all the time.

We append a report of the remarks made by different members of the Legislature of 1857, to which Senator Gwin refers in that portion of his speech above quoted. The extracts are from the debates in the Assembly, on January 24th, 1857, published in the Sacramento Daily Union of January 26th, 1857—the subject of the alleged bargain and sale being under consideration:

MR. MILES.—I did not know of any bargain or scheme, or coalition, between Dr. Gwin and David C. Broderick. I voted for Dr. Gwin as the preference between himself and Mr. Latham.

MR. HALL.—I voted for Dr. Gwin for the simple reason that I believed he was the best man, and because I deemed

him eminently qualified to represent and protect the best interests of the State.

MR. HUNT.—Now I would like to have the man who heard David C. Broderick tell me to vote for Dr. Gwin, to step forward and make his declaration. I would just like to have that gentleman make his appearance, if he exists anywhere in the universe. * * * * * * * * * I left home with the honest intention of voting for Mr. Broderick and Dr. Gwin.

MR. BRENT.—Mr. Covarrubias wishes me to rise on his behalf, to a question of privilege, as he does not speak English. He wishes me to state that Mr. Broderick never so much as intimated a desire that he should vote for Dr. Gwin.

MR. SWEEZY.—I will state without having had any consultation on the matter, the position of myself and my colleagues. [From Yuba.—ED. NATIONAL.] We adhered to Mr. McCorkle until we found that the vote was leaving him. I went up myself to the Clerk's desk, and looked over the tally list. We concluded that we could, at best, only postpone a nomination; and so we agreed to vote for Dr. Gwin. Now, I say, there was no covert understanding with David C. Broderick that we should vote for Dr. Gwin. I had not seen the man's face for two months before.

MR. STEELE.—I was not what was termed a Broderick man; I voted against him from first to last. * * * * * We wished, as has been stated, a man from the North. In the ultimate choice we were obliged to make, there was no principle involved—it was mere personal preference. * * I stated the night before the final caucus that if my vote would elect any man, that man should have it. When I found that Dr. Gwin would receive the nomination, I changed my vote in his favor. I spurn the charge of bargain and intrigue.

MR. WOOD.—I am one of those persons who voted for Dr. Gwin on the last ballot. I did so because I regarded him as the best of two, who had any chance of success. * * I had letters from my constituents urging me to vote for Dr. Gwin. He had represented us before in Congress, and represented us well. * * * I know that all these charges of corruption, etc., are entirely false.

MR. DAVIDSON.—I had the right and power to vote for Dr. Gwin, and I accordingly did so.

Extracts from Senator Gwin's Speeches.

We give the following extracts from the speeches of Senator Gwin, delivered at various places in the interior, in answer to the gross charges made against him by Broderick:

EXTRACTS FROM SHASTA SPEECH.

Why, we voted for and sustained the Thirty Million Bill introduced in the Senate to aid the President in the acquisition of Cuba, which he says was a *bribery* bill to elect Buchanan or Slidell. Broderick may say what he pleases, no one will countenance such a statement. I was in favor of the bill and the acquisition of Cuba. I expect to favor it as long as I am in the Senate, and afterward as a private individual. [Great applause.] I am in favor of it because it is necessary to our defense in case of war, and eminently calculated to promote our prosperity in time of peace. Within sight of the Island of Cuba, we send from forty to sixty million of specie every year, and in the event of the slighest conflict with any foreign nation having a large naval force, we are liable to have this cut off. If we had Cuba we could form such communication through Tehuantepec and Central America as to make opposition impregnable. It commands the mouth of the Mexican Gulf, and nature intended it should be a part of this great Confederacy. I am therefore in favor of every honorable means being adopted, by the Democratic party when in power, to acquire it. I should like to know how many disinterested individuals would denounce this. Douglas was in the Democratic caucus when this was agreed upon. His first speech, made after his great contest, in St. Louis, came out for Cuba and Mexico. That is one of Broderick's truths—he never strikes the truth if there is any chance of telling a falsehood. [Great applause.]—Now, he comes with that old stereotyped remark—of his being a great patriot, and protecting the National treasury—neglecting the interest of the State in order to save the money heretofore appropriated for Government objects in this State; for instance, the Lime Point purchase. He (Broderick) says that he is perfectly satisfied that Governor Weller and myself are interested in said purchase.—Now, if he means that we are interested that the fortifications of the harbor of San Francisco should go on, why he tells the truth, for we have, as colleagues in the Senate (also at the time Governor Weller was in the United States Senate alone,) exerted, with eminent success, the influence we had in getting large appropriations to complete the defense necessary to render our most important port what it can and ought to be made—as impregnable as Gibraltar. But if he means we have any other interest, his statement is as false as the one I just branded him in regard to the Pacific Mail Steamship Company. The owner of Lime Point, (Throckmorton) long since published a statement that he had had no intercourse with us, and that he was a stranger to us both. Brodericksalso says:

"My colleague and Messrs. Denver and Weller, were anxious to secure an appropriation of $200,000 for the purchase of that property. You will recollect that my predecessor, now the Governor of this State, wrote two remarkable letters upon the subject. Doubtless you have all seen them. They will be found in the report of my Placerville speech. Dr. Gwin made a statement to the effect that this property would not sell for less than $200,000. Mr. Fessenden, a Senator from Maine, replied to Dr. Gwin, stating that he was a member of the Military Committee at the time, and that no such understanding was had when the appropriation was made. My confident belief is, fellow citizens, that Dr. Gwin and Governor Weller, were both interested parties, or else they would never have taken the trouble that they did to urge the payment of $200,000 to the owner of this property, when they knew that a sufficient amount of land whereon to erect the contemplated fortifications, was not worth over five or six thousand dollars. General Denver and Dr. Gwin are both telling the people that if the appropriation had been made and the purchase consummated, that the process of erecting the fortifications would have commenced immediately, and hundreds of poor men would have been given profitable employment in working upon them. Why, fellow citizens, they intend to leave only $100,000 for the purpose of beginning the work. That would scarcely have commenced the foundation. The fort which now stands at the entrance of San Francisco harbor, has already cost nearly $500,000, and is not completed yet."

That is about as near the truth as Broderick ever comes. Fessenden never was a member of the Military Committee. Broderick announces him as such. Governor Weller was for nearly six years Chairman or member of that Committee, and can testify that Fessenden never was once upon it, as I KNOW he was not. Now, he (Broderick). comes forward and denies that he has taken a seat on the Republican side of the Senate. It is not a matter of much consequence where a man sits in that body, if he BEHAVES himself. But when Broderick says there are no sides in the Senate, he does not state the whole truth. For many years, the great bulk of parties, the old Whig and Democratic, occupied opposite sides of the Chamber as nearly as they could. When the Democratic party got such an overwhelming majority, and the other side dwindled down to nothing, of course, as we had only so many seats, and they had to be occupied, the Democratic members were obliged to go on the opposite side, now filled by Republicans, and as soon as they (the Democrats) could get seats over, they came to our side unless they had particularly choice places where they could catch the eye of the Vice-President with more ease. Broderick names several Southern gentlemen as occupying seats close by him. Mr. Toombs was elected a Whig, took a seat on that side, and now occupies it. I have always thought he remained there in order to throw hot shot into the Republicans all around him, and he does it with vengeance and power. It is well known that the Republicans do not sit on our side if they can get on the other. We generally make it too hot for them. Sumner tried it about as long as Broderick did—one Congress. Whether he (Broderick) went there for the same purpose, I do not know. Altogether surrounded by Democrats, he left, and went into the lines of the Republicans. I know there was a general jubilee in the Democratic side when he went over, for he had not for a long time acted with us on any important question. He says that it is false that he has been excluded from the Democratic organization, and declares that he was invited during the last of the session to attend the caucus. *I do not believe it.* In referring to the invitation, he says that Toombs and Davis, about ten days before the adjournment of the last Congress, urged him to come into caucus to sustain the Tariff Bill and their views. There was no Tariff Bill before Congress, nor has there been since Broderick went there. In either House no bill was introduced. They tried and failed in the last Congress. The Committee of Ways and Means agreed upon a report, but it never came up for consideration. There is another thing which a man ought to know, if well informed. It happens that

Toombs and Davis differ on an important question connected with the Tariff. With which does Broderick agree? Broderick cannot tell this; but it is well known, because discussed in caucus. Still, he says they invited him. Now, I happen to know that Broderick never attends a Democratic caucus, and when he mentions Davis as having invited him, he makes a false impression. It is impossible, and I will give the reason: Davis was one of the Sub-Committee which formed the Committees of the last Congress. Broderick was left off the Committee on Public Lands, because he was not recognized as a Democrat. Davis *permitted* him to remain on his own committee, that of Military Affairs, composed of seven members, saying, that if he were given three Democrats, he could manage Broderick and two Republicans. He did it pretty well, too. Broderick was not recognized as a member of the Democratic party, and when his name was called, in calling the list of those elected as Democrats, in *caucus*, it was at once exclaimed: "You had better call Seward's name [Laughter]; he has as much right to be here as Broderick has." Now, Broderick says, Douglas, Stewart and himself, were excluded from the caucus on the Lecompton question. That was not a Democratic caucus. It was attended by Senators in favor—by Whigs never acting with Democrats except upon this question—and Thompson, of Kentucky, and Kennedy, of Maryland, Know-Nothings. Broderick, Douglas and Stuart, did not attend, because opposed to the proposed policy. So, in 1854, Badger, and other distinguished members of the party in opposition, attended our caucus; some Democrats did not. That was not excluding them. The difference on the Lecompton question did not exclude from the Democratic party Democratic members of the Senate. Judge Douglas and Stuart recognized the power and authority of the Democratic organization. Broderick came home, bolted from that organization in this State, joined with the Black Republicans, and consequently was considered unfit to associate with Democratic Senators, as such. And you will find that this exclusion will continue. Look at his opposition last year. He joined the enemy. What was the position of Douglas, of Illinois, and Stuart, of Michigan? They were fighting the enemy. When Broderick says that he was recognized as a member of the Democratic party in the Senate, he says what cannot be sustained by the facts. You will find this to be so hereafter, as well as now. I will here notice a comment by the Union upon a former statement of mine.

[This comment was in relation to the Salt Lake and El Paso routes.]

Broderick did have that interview. The Postmaster-General requested that we should meet and sustain him in the course he was going to adopt. It was published in the papers, and Broderick never contradicted it. Afterwards, the Freesoilers attempted to make capital out of the establishment of it on the southern route. Broderick joined them in denouncing what, at that time, he had recommended. He denounced it, declaring that that route should be dispensed with by the establishment of the Great Salt Lake line. Afterwards, when the Southern route had become an evident success, Broderick turned round and said he did not want to disturb it. If one will keep up with the history, he will find that Broderick was for it in the beginning—against it afterwards, in order to make capital, and, finally, when the people were rejoicing at the speedy and certain communication thus established, he declared himself in favor of not disturbing it. Fellow-citizens, it has not been my purpose to engage in the personal political discussions of the day. I have never before indulged in personalities on the stump in this State. I did not intend at first to allude to this individual (Broderick,) but he has forced it upon me; and I will show from the position he occupies, that he has been a traitor to the party that elected him, and a renegade in the discharge of his duties to the State. I shall fasten this upon him from this time forward—upon every opportunity I have of addressing the people, which will be very frequently.

Now, as regards the Pacific Mail Company. The very first speech I made in the Senate, in 1857, I announced my opposition to Ocean lines, and that I favored the Overland routes. I said that they were antagonistic, and that I preferred the latter. The expense of both was too great. Various routes have been made. I have never heard Broderick say anything against the Pacific Steamship Company since he has been in the Senate. He did try, because the appropriation for continuing that line (the P. M. Co.) was not included in the great appropriation bill, called the Miscellaneous Bill, to speak it down. What did that bill contain? It provided for twenty millions of Treasury notes. To defeat the bill would have compelled the Government to repudiate and defeat the appropriations for public lands, lighthouses, etc. He arose in the Senate, on the 4th of March last, at nearly the close of the session, and, so far as the Senate and I could ascertain from his argument, declared his determination to talk down that appropriation bill, because these Ocean lines had not been provided for. This attempt of his to destroy the bill was scoffed down. He first called on the Republicans to sustain him, but it was more than they could stand, and what *they* could not, must be terrible. He then called on me, his colleague. I answered, "No, that I was in favor of carrying on the Government." So if the Pacific Mail Steamship Company had any special advocate in the Senate, *he* was the man; while to the contrary, the first declaration I made there was against the Ocean lines—to keep them up long enough to establish the Overland routes, and let them be supported by commerce.

I do not intend to prolong these personalities with Broderick, only sufficient to notice the charges that he brings and the false statements that he makes, as briefly as possible—for I have already spoken of him in such a manner as to render it utterly impossible for me to carry the personality any further. After having replied to two or three falsehoods which he has recently uttered, I shall cease any further allusion to him. I am well aware that discussions of this description between United States Senators from the same State do not add to the dignity of the office. I have never before engaged in them—have never had any personal warfare with anybody upon the stump in thirty years of political life. I now only indulge in personality, in connection with this individual, as a matter of justice to myself and the party which elected me, whose banner I now stand under, and intend so to do, as long as I have any political affairs with this country. I shall, therefore, be brief in the allusions I am about to make to Broderick's Quincy speech. He (Broderick) says, among other things:

"But here is indisputable evidence of his (Gwin's) treachery; and he is the man who is trying to forestall public opinion in this State, and by clinging to the skirts of little 'Jimmy Buchanan'—as our oratorical and patriotic young Senator from Sierra patronizingly calls the President—is secretly trying to secure a sufficient number of votes in the next Legislature to re-elect him for six years to the United States Senate. I state here to-night that it is the intention of the Administration party, if they succeed in obtaining a majority in the next Legislature, to elect a successor to Dr. Gwin; and I confidently believe, in case they do obtain a majority, Dr. Gwin's re-election will be an inevitable consequence."

Now, my term in the United States Senate does not expire until the 4th of March, 1861. My former term expired on the 4th of March, 1855. One year before that, Broderick attempted to supersede me in the Senate; he made a great effort—used means of the most disreputable character, never brought to bear in the same manner before, to accomplish his object, and failed after a severe contest. He went before the people of the State and the National Democracy, in whose name I now speak, rose and defeated this attempt of Broderick. He found himself largely in the minority.—The charge upon the party which then resisted this policy, of intending during next Winter to elect my successor to the United States Senate, and that I am to be the party elected, certainly comes with a bad grace from Broderick, after his endeavors in 1854. If Broderick occupied the position I do, and could carry the Legislature, there is no doubt but that he would bring the election on. That is his policy; he is a man that plays that kind of a game when he has an opportunity. But we opposed him in 1854, and I now state, the first time the charge was made, that so far as I am concerned, I consider the Legislature which meets a year from January next the one having a right to elect. If I am not mistaken, this is the law of the State. If there is a member of the Democratic party of this State in favor of electing a United States Senator next winter, I have never before heard of him. I pronounce the whole statement in his (Broderick's) Quincy speech, false. So far as I am concerned, I would not accept the office if tendered in violation of the State law and settled policy of the Government. This statement was intended to create, if possible, disturbance in the Democratic party, by bringing about a collision between aspirants before the term expires. This is one trick to mislead the people, which will, however mislead nobody. I only speak of it in order to denounce the attempt made in 1854 to elect Broderick a Senator before there was a vacancy, and I now pronounce this (Quincy) statement of his a vile calumny on the Democratic party, who have no such intention. So far as my knowledge extends, and I believe I speak for the whole party, the old line policy will be adhered to. Broderick charges that I am a bitter enemy to the Homestead Bill; that is simply untrue. I introduced a

Homestead Bill, almost in the very words of the bill brought up in the last Congress, many years ago, in the United States Senate. I have always been in favor of such a law. I intend to sustain it now, not exactly in the same form in which it appeared before the last Congress, but with certain amendments, which I have no doubt will improve the bill. I would sustain it even without those amendments. I did not sustain the Homestead Bill because one peculiarly and eminently important to my own constituents, but as a general Act, useful, in my judgment, to the whole country. When Broderick arraigns me for being a bitter enemy of the bill, he expects to produce an effect upon the public here. What operation would the homestead law have upon this State? In the first place it is confined to lands subject to sale at private entry. There are very few such in this State that a person would make a private homestead upon. What we want here is population to build up and make this a great and mighty State. The Homestead Bill will stop immigration in a great degree, but help to fill up all the border States. Emigrants will naturally stop where there are lands subject to private sale and entry. The policy was tried in Oregon, and the people actually came and asked Congress to have it changed to a pre-emption law. The Homestead Bill requires every person who takes up one hundred and sixty acres to remain on it five years before getting a government title. We have admirable pre-emption laws now. There is scarcely a person here that would be willing to remain on one hundred and sixty acres of land, which could be bought for two hundred dollars, for the length of five years, could he be able to dispose of the same. It is not a question of eminent importance to the people of California. I have no doubt if this *gentleman*. Broderick, wishes to make an issue upon this question, he will find the people of this State well satisfied with the present pre-emption law, which gives them a title for $200. Still I am for a Homestead Bill and intend to sustain it as a question of general policy. I have been so long before he said anything about the matter; but I do not intend to demagogue about this Homestead Bill, nor have I ever done it. Broderick also says I violated the instructions of the Legislature in voting against the bill granting land to Agricultural Colleges in all the States of the Union. I know he would like to fasten a violation of instructions upon me—would like to place me in the same predicament as himself, of having disobeyed the commands of our immediate constituency, the Legislature. There is not one word of his statement true. I made a speech in favor of the constitutionality of the bill, and said I should vote for it because I was instructed to do so. I will give him the benefit of knowing that I would have voted against it if not so instructed. It was a bill that committed a great outrage upon the people of this State. It gave the little State of Rhode Island just as much land as California, though containing within her area an empire. I was surprised that the Legislature which instructed me to vote for this bill had not looked at it in the same light. Neither would the people have voted for it had they understood it, as they are not to be deceived on such questions. Let him (Broderick) make the issue on this as soon as he pleases.

EXTRACT FROM THE WEAVERVILLE SPEECH.

Now he speaks of *me* as having been the corrupt agent of capitalists, in the discharge of my duties in the Senate.—This is an old and stale charge. It originated from him and his satellites five years ago to defeat me for the Senate. This is merely rehashing this old weapon he used against me years ago. With what effect did he then use it? In that contest ('53) he was my competitor for the Senate. Then these vile slanders were brought against me, when absent in the discharge of my duties, and the Democrats of the Legislature voted forty-five in my favor and twelve in his. I have never noticed these calumnies, for I have always thought I could live it down. If ever a truth is told against you, say nothing against it; if a slander, live it down. [Applause.] How did this charge originate? It first was started in 1853, when Pierce came into office. I was looked upon as having great influence with his administration in the distribution of Federal patronage. Every man that went to Washington from California—and their name was legion—charged it upon me if they failed in securing the object of their wishes. After the appointments were made, twenty-seven of these disappointed office seekers met at the Metropolitan Hotel, in New York City, and pledged themselves that they would destroy me in public estimation, by bringing all sorts of charges against me. Then we heard for the first time of my being the paid agent of the Pacific Mail Steamship Company—then that I was interested in all bills I passed through Congress. Every vile imputation was brought against me; all the sacred relations of life were violated in person for the purpose of breaking me down. Broderick, their secret leader at that time, wanted to supercede me in the Senate. Now he revamps these charges. If I could survive them then, I can now. If I should retort upon him I could bring actions of his before the people that can be established beyond controversy that would place him in an infinitely worse position.

Gwin upon Broderick.

At Alleghanytown, Sierra County, Dr. Gwin spoke of his colleague as follows:

Broderick is going about whining through the State, saying that I am the aggressor in the controversy that exists between us. Certainly I am. When, in his celebrated Perley correspondence, he advertised that he would give an insult and not be responsible, I made up my mind as to the course I would pursue if I should be driven to the necessity of noticing anything he might publish in reference to me. When, in his Placerville speech, he re-opened the question of the late Senatorial election, I determined to expose the conspiracy which he had concocted to injure me in that contest. When he entered into details at Nevada, I pronounced his statements false in my speech at Yreka, and held them up to the scorn and contempt of the world. I knew that in such a mode of warfare, Broderick would have a great advantage, for he had had the run of the Five Points in New York, too long for any gentleman to cope with him in epithets. But I knew he had one fiery ordeal to pass through. I knew when I exposed him in his hideous deformity as a libeler, a slanderer, and a calumniator, he would be avoided in the Senate Chamber, as one whose contact was contamination. He knew this, also, and is attempting to ward off the inevitable doom that awaits him, by now saying that he is responsible for what he says. He is too late. The saddle is on the right horse, and I intend to keep it there. He is at my feet; I have my foot upon his neck, and I intend to make him stink in the nostrils of every gentleman in and out of the State, when I am done with him. Let him whine and cry persecution, it will not avail. I intend to continue as I have commenced, to lash him with a scourge of scorpions, and shingle him over with the refuted falsehoods and libels he has uttered against me and others. In his agony from the scourging I am giving him, he cries out that I am either drunk or mad to thus inflict such cruel and unusual punishment upon him. I am neither—but in a perfectly good humor, wide awake, and duly sober—close on the trail of the reptile, and I will bruise his head before the contest is over.

To the falsehoods uttered against me at Weaverville, Shasta and Red Bluff, I will give but a brief notice. At Shasta I pronounced his charge, that I was the paid agent of the Pacific Mail Steamship Company, to be false, and that, in uttering it, he was a slanderer and calumniator. On the same stand where he was thus branded, he brought forward his proof to sustain this charge; and what do you suppose it was? Why, that some one had told him that he had heard from Capt. Knight, who is dead and cannot refute the charge, that he had been dismissed as an agent of the Company because he would not cash my drafts. Now, I never heard of this until Broderick uttered it; but undertake to say that it is as utterly false as the original charge it was brought to sustain. I know it is so far as I am referred to, and have no doubt it is equally so in regard to Captain Knight. He makes a false charge, and then brings proof based upon falsehood to sustain it. No man, in so short a time, ever so branded himself as a universal libeler, as has Broderick, since he took the stump at Placerville, and abuse from such a source is high praise. He thinks by his libels to draw down others to his own level. He is mistaken; he only sinks himself deeper in the infamy by which he is surrounded. He has, also, violated the decencies of society by alluding to my manner of living in Washington. He extends no courtesies to his constituents when they visit that city. No one ever receives civility at his hands, and, in order to ward off the odium of his own mean deportment, he insinuates that the hospitality I extend to my fellow citizens from this and other States, is sustained by means dishonestly acquired. Such a man will soon be banished from every gentleman's house, if he is now tolerated in any.

HORACE HAWES,

INDEPENDENT CANDIDATE FOR

JOINT SENATOR

FOR THE

City and County of San Francisco and County of San Mateo.

His Reply to the Republican County Convention, and Views on the Eight Hour Agitation, Mechanics' Lien Law, Pueblo Lands, Congressional Policy of Reconstruction, and other Political Questions.

FOR ME THE PUBLIC WELFARE IS THE SUPREME LAW.

Towne & Bacon, Printers, 536 Clay Street.

25, 195

INV. 1898

San Francisco, August 10th, 1867.

Jos. M. Wood, Esq.—

Dear Sir.—To-day I was handed a communication signed by yourself "for the Committee," which is in the following words:

"San Francisco, Cal., Aug. 10, 1867."

"*Hon. Horace Hawes*—

Dear Sir,—Your name has been presented to the Republican County Committee of this County as a suitable candidate for joint Senator for San Francisco and San Mateo Counties.

By a resolution of the Convention adopted *nem. dis.*, our nominees are required to endorse the following resolutions, to which you are requested to give *your assent and approval.*"

To this are appended nineteen distinct resolutions, some of which meet my approval, and some do not, while others refer to subjects upon which I shall not at present decide, much less announce what my course will be. I would however call your particular attention to the position which I at present occupy as a candidate. It is indicated by the inclosed circular, which has already been widely distributed. By that you will perceive that "Horace Hawes is, and until the close of the polls at the approaching general election, will continue to be an *Independent* Candidate for *Joint Senator*, to represent the City and County of San Francisco, and the County of San Mateo in the State Legislature."

This is my position as a candidate, and I do not propose to change it. It has always struck me as reason-

able that while parties, factions, and schemers have *their* candidates, THE PEOPLE should have at least one representative in the Legislature—one member who acknowledges no political allegiance but to his country—no rule or motive of action but the public good. That is the office which as Senator I claim to hold at present, and it is to that high dignity that I now aspire to be reëlected. But although I do not recognize you as a party, I do recognize and respect you as a portion of the voters to whom I have addressed myself. I cannot accept your hospitable request, that I shall occupy a seat on your platform, but wishing to cultivate your acquaintance, I invite you to stand upon mine. It is broad and strong enough to support all men who are honest, and it has no plank in it to attract those who are not. In other words, it is not adapted to conciliate factions or get votes, but from a conviction of what is right, and to support the great overshadowing public cause and public interest. For you will understand that while *my* platform rejects as wholly unfit for any public trust, the man who sacrifices his country to party, it does not presuppose that any fit candidate is without brains or without opinions. Therefore I proceed to take notice of your resolutions in detail, though not precisely in the order in which they stand in the slips which you handed me.

Your preamble assumes that "justice is essential to political peace"—that "patriotism should be exalted as a virtue"—and that "it is the duty of the State to cherish all its people." I think that you are right in your expressed esteem for justice, patriotism, and the impartial administration of government, but wrong in supposing that these ideas or "principles" have not been acknowledged or "asserted" until those now called *Republicans* came to constitute a distinct party. I am of opinion that the principles referred to have been recognized by all good men in every civilized nation that has existed since the foundation of the world, and that *patriotism* has occupied in Greece and Rome,

and in all enlightened countries, and in all ages, the high dignity to which you now propose for the first time to "exalt" it. It was thus canonized, nay, deified, thousands of years before your organization had any existence. But be not deceived—patriotism consists in the love of country, not the love of office; in devotion to the public good, not the good of a party; in absolute fidelity to every public trust and to the public interest under all circumstances. It is not in him who, to subserve personal ambition or partisan ends, pays court to corrupt factions, or trims his sails to "every wind of doctrine." It *is* in him who stands firmly by the right, though everybody else should desert him, and who, instead of pandering to erroneous opinions, boldly tells the people where they are wrong, and trys to set them right. From this manly course no fear of political immolation will deter him. He knows that he is bound to battle for the right, but that he is not responsible for the result. He goes into the conflict as did a certain general to a desperate action: "Soldiers," said he, "it is necessary for us to go, but it is not necessary for us to return"—thus signifying that a patriotic duty must be discharged without fear of consequences.

I pass over your first resolution, which is, that the Republican party of California declares itself a part of and in alliance with the Republican party of the Union, presuming that you do not demand my opinion upon that subject. I endorse your *third* resolution, which is to the effect that you are the friends and advocates of free speech, a free press, free schools, and the most liberal provision by the State for the purpose of educating the people thereof, though its terms are too general and indefinite to be of any practical application.

In the sentiment expressed in your *fourth* resolution, to the effect that you are opposed to any appropriation of the money or credit of the State for private purposes, or for the benefit of private corporations, I concur.

Your *fifth* resolution is in the following words: "We

are in favor of such limit by law to the hours of labor as the sound judgment of the laborers themselves shall fix for their best interest, after mature deliberation in their own council."

I do not know what this resolution means. If its meaning is, that as a general rule every freeman shall work as many and as few hours, and for such wages as he has a mind to, or as may be agreed between him and his employer, I concur. If it means that any man shall be deprived of this liberty by law, or by any association or council, I give no assent to any such palpable violation of constitutional as well as natural liberty, right and justice. This resolution is akin to your fifteenth, which has been adopted substantially by other political parties. The proposition is not calculated to benefit laboring men ; it can only deceive them. Laboring men, who have been so recently sold and so often sold before by politicians, should not trust too much to such *clap-trap*.

Be patient with me. I appeal to your intelligence —to the good sense of all honest mechanics and laboring men—to the sober judgment and discretion of all classes—is it fit that all the political parties should pass over so many needed reforms, and run away upon such a hobby as this, and that the whole community, almost, should follow, gaping after them like boys in the street attracted by some new show?

I am the more elaborate in my reply to your third, fifth, and fifteenth resolutions, because they touch upon subjects which have interested me all my life long. I am a laboring man, the son of a laboring man, belonging to a race of laboring men. I am, also, a mechanic, having served a regular apprenticeship to my trade. My sympathies are naturally all on the side of the laboring class ; but I know that the eight-hour hobby cannot benefit that class. It is a fraud and a delusion. "It is like the morning cloud and the early dew, it passeth away." The alleviation of labor, which has been oppressed by the laws and policy of all countries and in all ages, must be looked for in some other and more substantial recourse. Let laboring men make the best

use of their time, and practice economy in their habits of living. As to the hours of labor, if they find that eight hours a day, instead of ten, will be sufficient to supply their necessities, there is, and should be, no law that can compel them to work longer; but the less they work, the less they will have of the necessaries and comforts of life.

Wages, also, will be controlled and regulated by laws other than those which are enacted by the Legislature. Take off the *burdens* from labor as far as possible—the burdens of taxation. All the burdens of taxation fall ultimately upon labor. Every increase of taxation—every robbery of the State—all useless or extravagant public expenditures—add new weight to those burdens—the burdens by which labor is oppressed. From this it is obvious that laboring men ought to be foremost in their opposition to public thieving, extravagance, and the unnecessary creation or increase of the public debt, which is a perpetual encumbrance upon labor. A public debt is a mortgage upon the very hands and bodies of the laboring class.

But, above all, the laborer should be made secure in the possession of what his own hands have earned—that is, the security of property, which is at once the fruits and the reward of labor; and that security to property is the greatest incentive to industry, for few will apply themselves to any pursuit unless secured in the exclusive enjoyment of the products of their labor. And yet what laboring men will be most thankful for, is *employment.* "Why stand ye here idle all the day long?" "Because no man hath hired us."

The merchants have their Exchange where they congregate daily. Let us establish and liberally endow an institution for the protection of labor, and the advancement of industry; a place where every one who seeks employment, can find it without fee or reward; where the minutest information and statistics respecting every branch of industry shall be collected and imparted gratuitously, so that every one may learn without expense, where his labor or service are needed. To do this,

let all those who *really* sympathise with the laborer, use their combined efforts during the next ten days to raise the necessary funds for the foundation and endowment of such an institution ; and if during that time, by taxing the liberality of the whole city, the eight hour men and the politicians included, they shall have raised the sum of $50,000, I promise to add an equal amount for the same purpose by the appropriation of such property as I have (for money I have not). To give assurance that this engagement is made and will be kept in good faith, and that the proposition shall be carried into practical effect, I hereby appoint as a Committee, and the first Board of Trustees, Henry H. Haight, John Bidwell, Caleb T. Fay, J. W. Stow, Joseph Britton, John N. Risdon, Jonathan Kittredge, John Sime, E. D. Sawyer, and Geo. C. Gorham. Let the real friends of the laborer now come forth. "By their fruits ye shall know them."

In addition to this, let us educate the laborer. Men have been liberally educated for the learned professions. Let us now educate them as liberally and thoroughly for business ; for the practical and ordinary pursuits of life ; so that from the mechanic shops, and from the mercantile houses, and from the farms, shall be chosen men to fill the highest offices ; our Governors, Presidents and Judges ; and from the plough with the oxen left standing in the furrow, men shall go forth to command the armies of the Republic.

By your sixth resolution, you say that you are unqualifiedly opposed to Coolie labor, but are in favor of voluntary immigration, and *just protection* to all free labor from whatever nationality it may come. The subject of immigration is regulated by the federal laws, and if you wish to say that the authority and supremacy of those laws ought to be maintained, I concur. As to just protection to all free labor, who is not in favor of it ? If I understand what you mean by Coolie labor, I am equally opposed to it. I take it to be a species of slavery. I have from my boyhood, sworn eternal hostility against every form of tyranny over the body or mind of man.

Your eleventh resolution declares that you are in favor of impartial suffrage without distinction of color. I do not know what you mean by *impartial* suffrage. Independent of the question of negro suffrage, I think that this subject has never been properly regulated, although no one can for a moment doubt that the power to regulate it resides exclusively in the several States, and my present impression is, that it ought to continue there. Our State Constitution determines the qualifications of voters, and the Legislature have no power to alter them. I do not know that any amendment will be proposed to the Constitution of this State on that subject. Should any such proposition be presented, I will decide upon it when I know what it is. Your resolution about impartial suffrage, without distinction of *color*, is vague and non-committal.

What do you mean by demanding that suffrage shall be impartial? Do you wish to be understood that it shall be absolutely universal—that all shall be admitted to the exercise of this franchise, foreigners as well as natives, without regard to any term of residence or domiciliation, and irrespective of age, sex, or condition? Do you demand that negroes, mongolians, the fierce and murderous Apaches, and the Digger Indians shall be admitted, and do you also insist that your wives and daughters shall be invited to such an entertainment? Certainly without all this, suffrage could not be *impartial*, if by that you mean *universal*. And if you do not mean *that*, tell the people explicitly and boldly what you do mean, and I will at once inform you whether or not I concur.

Your eighth resolution endorses the Registry Law, and Porter's Primary Election Law. What I have to say about the Primary Election law will be reserved until I come to take notice of your tenth resolution. The Registry Law must necessarily meet my approval, considering the part I took in planning and passing it. I do not, however, approve the erroneous constructions which to a great extent have been put upon it, or the gross perversion of its provisions and object, which have

been committed by some clerks of elections and boards of registration. The principal intention of the Registry Law is to facilitate the exercise of the elective franchise by removing every obstacle out of the way of those to whom it rightfully belongs, while it shuts out those who do not possess the right, and effectually closes the door against double or fraudulent voting. But some of the enrolling officers, especially in San Francisco, seem to have had for *their* object to obstruct the exercise of this right by throwing all sorts of obstacles in the way of the enrollment of honest voters. This mischief calls for a prompt and effectual remedy, which I shall try to apply if re-elected to the Senate.

Your ninth resolution declares that you are in favor of rigid and strict economy in State, County, and City governments, and the *reduction* of salaries of officers to the *standard* of INDUSTRIAL *pursuits*.

I presume that my public acts are sufficiently well known to give assurance that I shall favor strict economy in the public administration. In the present emergency, however, of intolerable extravagance in almost every department of government, and constantly increasing taxation; when *all* complain, and loudly demand Reform, your platform should, in my opinion, have proposed some specific measures of retrenchment, instead of the general declaration above quoted. With respect to your proposition to *reduce* official salaries to the standard of industrial pursuits, I do not see that in its present shape it admits of any practical application; for in the various branches of industry, there are all rates of wages, salaries, compensation, and income—from less than five dollars to over ten thousand dollars a month. So in public employment different degrees of skill, ability, and amount of labor is required according to the office and place. The compensation must be graduated accordingly. The laborer is worthy of his hire. I should never consent, however, to fix any official salary at an amount equal to the compensation or profits which can be obtained in very many industrial pursuits, much less should I consider it just or expedient to re-

duce the salary of a governor or a judge of the Supreme Court to the wages of a common day-laborer. If your resolution on this subject is intended to make an impression on the public mind that some reform is intended, I would suggest that it be made more specific and unequivocal.

Your tenth resolution asserts that "the action of the late Union County Committee of San Francisco and Sacramento, by which Democrats were allowed to take part in the late Uuion primary election, was a fraud upon the Union voters of this State, and disgraceful to all those who were concerned therein; and nominations obtained by such means have no binding obligation upon any member of the Union party."

I know nothing about the action of the Committees referred to, and am therefore not prepared to give my opinion whether it was or was not as bad as you have characterized it, but I am ready to believe anything you say on that subject. As to the binding force of nominations, I assert the absolute freedom of every voter when he comes to the polls, to cast his suffrage for any candidate according to the conviction he may then entertain of the candidate's fitness, without reference to nominations or the previous action of anybody. I gave my opinion of primary elections, and the proposition to legalize them, in my letter addressed to the Independent Nominating Committee in 1863, and it remains unchanged. I then said "the primary elections are among the latest inventions of politicians to cheat the people out of a free choice of their officers." I advised the people to keep away from primaries, and all go to the polls at every regular or lawful election, each voting for the best man, according to his own judgment. This course was observed in 1863, and all went well. You, however, this year, were emboldened to try your hand with the "boys" at a game which requires that peculiar experience and skill which no honest man can ever possess. You were beaten. The old gamblers stocked the cards on you, and when you complained of "foul play," they flailed you most unmercifully, and you came away

with "sore heads." I advise you to keep away from such company in future. As a perfect remedy against all such frauds, I assert the omnipotent authority of the popular will—the absolute freedom of the voter to choose for himself for whom he will cast his vote. It is to vindicate this principle that I have become an independent candidate.

Your eleventh resolution indorses the platform and resolutions of the State Republican Convention which was held on the 16th of last July, which, I suppose, are embraced in the propositions which I have noticed in this letter.

Your twelfth resolution asserts that you "view with alarm the attempts made by a powerful combination of unscrupulous, selfish and wealthy corporations to secure the control of the government of this city and State, because you believe that the interests and purposes of such combinations are adverse to those of the commonwealth, and especially antagonistic to the interests of this city."

In answer to this resolution, I reply that I think that your apprehensions are not groundless.

Your thirteenth resolution asserts that you "are opposed to any alienation of any property of the State in lands or otherwise, without full consideration therefor, obtained by public competition, and especially to any and all schemes to rob the State, by legislative enactment of the tide and overflowed lands along the front of the city of San Francisco under pretended purchase from the State; and that we believe that such lands should be sacredly preserved for the benefit of the State."

I presume that this resolution has reference to the Mission Bay scheme that was brought before the Legislature at the last session. I opposed and defeated that measure, and shall oppose all similar bills or measures to rob the State in any form. I cannot say that *no property* of the State should be disposed of except by "public competition," by which I suppose is meant public auction, and therefore must not be considered as assenting to that part of the resolution. There may be,

and frequently are, cases where it would be most convenient and consistent with the public interest to dispose of property in some mode other than by public auction or competition.

You say by your fourteenth resolution, that you "advocate the repeal of City Ordinance No. 733, and are in favor of an equitable disposition, in accordance with law, of the public lands held in trust by this city, with adequate protection of the rights of those who actually occupy, cultivate and use such lands, and with a due regard for the future wants of our city in the way of liberal and extensive reservations for a Central Park and other public uses."

I have not yet examined the ordinance to which you refer, but from what I know of it, and the action taken under it, am inclined to regard it as an injudicious measure. Not being a member of the Board of Supervisors or a candidate for that honor, I do not see what part I could act in the repeal of it. In the sentiments expressed in the remainder of your fourteenth resolution, I concur, though here again I think that your views are too indefinite to present any practical issue. In the language of *your sixteenth resolution*, I also am "in favor of the passage of such a revised and simplified Mechanics' Lien Law as will protect the interest of the laborer and mechanic as well as those of the contractor and owner." Who is not?

Your seventeenth resolution declares that you are profoundly grateful to those brave men, who, in the late struggle for our national existence, so nobly maintained our liberties; and that you pledge to them, and to the widows and orphans of our fallen heroes, your warmest sympathies and substantial support. In all this, I most heartily concur.

Your eighteenth resolution asserts that you indignantly resent the interference of any Senator or candidate for Governor with the formation of our State and City tickets, since we regard such an assumption of superior wisdom as an "insolent interference with the republican prerogatives of the people."

I have no doubt that you have great cause to complain. As I am contending for absolute freedom in the choice of officers, and the supremacy of the popular voice over all conclaves, combinations and factions, I am not indifferent to grievances of this sort.

By your second resolution, which I take out of its order, you "indorse the action of Congress on the question of reconstruction, and will heartily endeavor to bring the same to a successful conclusion."

By the action of Congress it is presumed that you refer to laws passed by that body on the subject mentioned. I do not precisely see what power I shall have, if elected, but to submit to those laws, right or wrong. But you wish to know whether I deem them right or not—that is, whether I consider that they are necessary, and best calculated to suppress all resistance to the general Government, restore constitutional order, and secure peace, contentment and prosperity. I do not know that they are. Still they may be so. I do not know enough of the actual state of things to form an irrevocable opinion. Therefore, I will not indorse. If I were a candidate for Congress, I would not pledge myself to withhold my consent to any change or modification of the laws and policy referred to, which in my opinion, at the moment that I might be called upon to give my voice and vote, the exigencies of the country might demand. I would act at the moment according to my convictions and with due regard to the great and solemn interests involved. I say now, as I said in my remarks on certain resolutions brought before the Senate in 1864:

"I shall not embarrass myself or the administration, which has had my firm support hitherto, with abstract resolutions respecting public measures, which may or may not be suited to future events as they may be developed. For my part, I am for the country—the United States—the integrity of its territory—the supremacy of its Government and laws—its safety, honor and glory, now and forever! And I am for all measures which may be found necessary from time to time, as

events may be developed, for the maintenance of those objects."

In 1863, when I was a candidate and was elected to the Senate, the war was in progress. In answer to interrogatories put by several Conventions, I then declared that I was unwilling to submit to any dismemberment of the country under any circumstances, and that the efforts of Mr. Lincoln's administration to suppress the rebellion and preserve the Union could not be too energetic to meet my cordial and hearty support; that I was in favor of prosecuting the war, cost what it might, for as many years as might be necessary to reëstablish the Government of the United States in all the plenitude of its constitutional authority over the *whole* territory of the Federal Union.

The Union platform or resolutions, so unanimously adopted at the great mass meeting held in this city on Washington's Birthday, 1861, were framed by a committee of which I was chairman, and received then, as they do now, my unqualified approval. The other members of that committee were Delos Lake, Eugene Casserly, Frank Pixley, A. D. Hatch, G. W. Ryckman, and Annis Merrill. The following are the propositions embraced in those resolutions:

"1. That we do hereby declare our unalterable attachment to the Federal Union of the United States; that we regard its continuance and the maintenance of our common Government as the primary object of patriotic desire, as the main pillar in the edifice of our independence, the support of our tranquility at home, and the guaranty of peace, as well as our national and individual respectability and security abroad.

2. That, by the adoption of the Constitution of the United States, a Government was created and established of the whole people of the United States; that the Constitution and laws made in pursuance thereof, are the supreme law of the land. That under the Constitution, and in conformity with it, there exists no power on the part of the government of a State of the Union, or the people of a State to secede from, or in

any manner to obstruct the operation of the General Government under any circumstances whatever.

3. That the people of California, regarding the preservation of the union of all the States composing our common country and the maintenance of domestic peace, as objects of the first political importance, will acquiesce in any honorable plan for the adjustment of existing differences, the security of the rights of all the States, and the re-establishment of constitutional order where it has been disturbed, or wholly interrupted.

4. If, however, against the hopes and prayers of the country, one or more States should secede from the Union, effecting their final separation, the State of California should and will, nevertheless, cling to the Union, with the States that adhere; and in that event, or in the happy event of restored peace and unity, she will in all good faith and loyalty recognize and discharge every obligation enjoined upon her by the Constitution of our country. That California entirely repudiates the project of a Pacific Republic as visionary, mischievous, and impossible; that wherever the Union and Constitution are, there is the ark of our covenant; where the flag of our Union is unfurled, there is our country.

5. *Finally, Resolved*, That the true attitude of the people of California at this time of trouble, is that of fraternal kindness towards the people of all the States, and her honors and interests alike demand of her to do all in her power to bring about harmony and re-union among the people of the whole country."

In the Senate of California, last Session, certain joint resolutions, expressive of the sentiments of the Legislature on the state of the Union, were introduced by Mr. Jones, the present candidate for Lieutenant-Governor. To these resolutions I proposed the following substitute, which received sixteen votes to twenty-one, and is spread upon the Senate Journal of 1866, page 532. My views as therein expressed remain unchanged.

"The Senate and Assembly of the State of California

make the following declaration of their opinions and sentiments on the present condition of the Union :

"First. The States and the parts of the Union in which insurrection and armed resistance to the Federal Government were too formidable to be suppressed by the civil laws, became subject to the law of force. In the clash of arms to which the insurgents appealed, the Constitution and the laws and the civil tribunals were silent, and they who took the sword necessarily were subject to and bound by the decision of the sword.

The insurgent territory of the Union will emerge from this unfortunate condition which its inhabitants voluntary adopted whenever constitutional order is fully restored, and the ordinary civil tribunals and authorities of the General Government shall command their unqualified submission and respect ; and the people of the seceded territory, who thus voluntarily abandoned their equal rights, suffrage, and representation as members of the Federal Union, ought to be re-admitted to the full and free enjoyment of them as soon as may consist with the safety of the Republic. It will be for Congress to determine when and to what extent these conditions exist.

"Second. We are opposed to all consolidation or concentration of power in the General Government not delegated in the Federal Constitution ; and we firmly believe that the permanent welfare and peace of the country depend upon the maintainance of the independent administration and government of the several States in all things not submitted to the control of the General Government by the provisions of the Constitution. According to the information in our possession, we regard the bill known as the 'Civil Rights Bill,' which has recently passed both Houses of Congress, as the exercise of power not delegated by the Federal Constitution, and an encroachment on that reserved to the States. And we are not prepared, without further information, to indorse the 'Freedman's Bureau Bill,' as a necessary or judicious measure for the maintenance of the freedom of the emancipated slaves, as for the restoration of

the supremacy of the Federal laws in the insurgent States.

"Third. Now that slavery is extinguished, and the political heresies of secession and nullification destroyed, we consider that the country will be safe under the Constitution of the United States as it is, Congress and the Federal powers keeping scrupulously within the limits and restrictions prescribed for them, and the several States being left to the free and independent exercise of the more general powers of government reserved to them.

"Fourth. The slaves in the rebel States having been made free during the progress of the war by the legitimate exercise of authority fully recognized and sanctioned by the laws of war, and their freedom having been afterwards declared and ratified by a constitutional amendment, the national faith and the faith of every loyal citizen is solemnly pledged to maintain it.

"Fifth. That the right of suffrage is a question to be settled by the legislation of the several States where it is to be exercised."

In this letter you have my sentiments on the subjects referred to in your resolutions. If they should strike you unfavorably at first, I must leave it to time and reflection to rectify your impression, or to convince *me* that I myself am wrong. I hope for your approval ultimately, but I can scarcely expect that it will come in time to be of any service to me in the present conflict. If however you had the office at your disposal, instead of a nomination, that would make no difference in my course. The supposed effect upon my personal success as a candidate, has not had and could not properly have any influence upon me. I aim first to be right myself, next to set you right, and to contribute my best efforts to correct what is wrong in public opinion.

HORACE HAWES.

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MILITARY POLL TAX.

SPEECH

OF

HON. WM. HOLDEN,

OF MENDOCINO COUNTY,

IN

THE ASSEMBLY OF CALIFORNIA,

ON THE

RESOLUTION CONCERNING MILITARY POLL TAX,

JANUARY 24TH, 1866.

SAN FRANCISCO:
PRINTED BY DUNN & PATRICK, MARKET ST.
1866.

MILITARY POLL TAX.

—o—

Mr. Holden introduced the following preamble and resolution:

Whereas, By the existing laws in relation to the militia of this State, every person subject to do military duty is required to pay a military poll-tax of $2 per annum, for the purpose of keeping up useless and unnecessary drills and encampments; and, whereas, in times of peace, no adequate benefit is derived from this burdensome and unequal taxation; therefore,

Resolved, That the Committee on Military Affairs be, and they are hereby instructed to report such amendments to the Militia Laws of this State as will not require the taxation above referred to.

Mr. Speaker, I neither expected nor intended, when I introduced this resolution, this morning, that it would, in the most remote degree, eventuate in the discussion of politics of a national character. No such object was desired upon my part, nor was anything said by me, in my first remarks upon the resolution, that could, by the most captious, have been construed into a challenge to a discussion of the political issues of the day.

On former occasions, it is true, we have challenged the Opposition to a fair and manly discussion of these issues. They have taken up our challenge only to consign our propositions to eternal oblivion—under the operations of a cowardly gag-rule, that cuts off all debate—in the desk of the Chairman of the Committee on Federal Relations.

The gentleman from San Joaquin, in reply to my first remarks, unintentionally, (for on former occasions he has shown a vast amount of caution lest a political discussion should arise) placed his objections to my proposition upon political grounds, giving as a reason that it was necessary that an efficient military organization should be kept up to keep down the Secessionists through the State. Hence, the political character of

this discussion rests with the Opposition, and not with us. I for one, however, do not regret it; for it is an opportunity which we have most earnestly sought, and the Opposition most studiously avoided. When I say Opposition, I mean the radical, negro-suffrage, anti-restoration portion of the so-called Union party, led by Higby, Conness and Cole—now in actual and earnest opposition to the administration of President Johnson. I remember that, but twelve months since, the Democracy of this State were denounced in the most bitter and vindictive terms, because they opposed the administration of Mr. Lincoln. Now the tables are turned.

> "Oh, that some power the gift would gee us
> To see ourselves as others see us!"

Governed by their *own* reasoning, they are traitors all. Were the judgment they would have passed upon us inflicted upon them now, the portion of that party (and it is in a vast majority) opposing President Johnson—or, as they used to say, the "Government"—including Sumner, Wilson, Hale, Sherman, Higby, and a host of others—would be hanged higher than Haman; but we say, "Hangman, spare that rope!"

Since I occupied the floor, I have listened to two speeches from the Opposition—the gentleman from Alpine (Mr. Lee) and the distinguished member from Santa Clara (Mr. Hunt). The last-named gentleman has certainly placed the Opposition party under deep and lasting obligations, for he has made a speech of about one hour in length, which I here, upon my oath, pronounce unanswerable, simply because there is nothing in it to answer. He puts forth no theory, asserts no single proposition, maintains no principle; hence there is nothing in to combat—nothing that amounts to the dignity of an argument. He talks glibly of the Democratic record, without pointing to its platform in the last Presidential canvass, when the gallant McClellan, who had so often bared his breast to the pelting storm of battle upon the tented field, received one million eight hundred thousand traitor votes north of Mason and Dixon's line. He tells you that a Mr. Pool, who was convicted in this State of robbing the mail, was a Democrat and Secessionist, and hence, he assumes, we are all Secessionists, and, I suppose, mail-robbers. He points exultingly to the riot in New York as a Democratic record, because Governor Seymour, when endeavoring to suppress the mob, called them friends and urged them to desist.

Why, sir, if the case of Pool proves that we are Secessionist mail-robbers, I have but to instance a case that occurred in the Senate of California to prove that the Opposition party is a party of forgers. One of the Clerks of that body was a Union man, elected by a Union Senate. The evidence, I understand, is conclusive that he has committed forgery; hence, by Mr. Hunt's rules of reasoning, if you call it such, the whole Union party indorse forgery.

In reply to the charge concerning the New York riot, I have only to point you to the shameful, disgraceful mob in the city of San Francisco, on the reception of the news of the assassination of President Lincoln—sanctioned and countenanced by the doughty hero of the first battle of Bull Run—in which the property of men guilty of no violation of the laws, either of God or man, was ruthlessly destroyed, and the owners only saved from a general massacre by flight—to prove that the great Union party is in favor of mobocracy, violence and bloodshed, and of applying the torch to the property and the knife to the throats of all who doubt their right to think for them.

Why, sir, if I may be permitted to apply for a few moments his rules of proof to his party, I can prove that that organization is, and was from the commencement of our troubles, the secession, the anti-Union, the revolutionary party.

MR. CHAMBERLIN—I wish to ask the gentleman from Mendocino a question.

MR. SPEAKER—Does the gentleman from Mendocino gave way for a question?

MR. HOLDEN—Most assuredly.

MR. CHAMBERLIN—I hold in my hand a substitute for Senate resolutions denying the right of Secession, offered by the gentleman from Mendocino, in the following words:

> Any people, anywhere, being inclined, and having the power, have the right to rise up and shake off the existing government, and form a new one that suits them better. This is a most valuable and a most sacred right—a right which, we hope and believe, is to liberate the world.

I wish to ask if he believes in this doctrine.

MR. HOLDEN—Yes, sir, most religiously. Do you believe in it?

MR. CHAMBERLIN—No, sir; it is a damnable heresy.

MR. HOLDEN—Mr. Speaker, that is just the answer I expected the gentleman would make, and the one, above all others, that I wanted him to make. I am glad to inform the gentleman that the resolution that I, a few days since, offered as a

substitute for Senate resolution, is an extract from a speech made in Congress, in 1848, by Abraham Lincoln.

MR. CHAMBERLIN—He does not say that any portion of a people may revolutionize and set up a government for themselves.

MR. HOLDEN—Poor, mistaken, ignorant mortal! [laughter] that is precisely what he does say. I will read further from the same speech :

> Any portion of such people that *can*, *may* revolutionize and make their own of so much of the territory as they inhabit. More than this, a majority of any portion of such people may revolutionize, putting down a minority intermingled with or near about them, who may oppose their movements.

What a profound champion of the doctrines of the great Union party! Why, sir, you are behind the times. What, sir, you claim to be the vindicator of Abraham Lincoln, and repudiate his platform! I am a better friend of his than you. I say that that doctrine is correct ; that the right of revolution is a sacred right, and when we abandon that right we are ready to become the meanest and most abject of slaves to the meanest and most despotic of tyrants.

Why, sir, those principles are ingrafted in the Declaration of Independence ; they are the origin of our own Government, without which it could never have been formed.

You not only attack the doctrines of Abraham Lincoln, but you attack the declaration of that immortal band of stern patriots who signed the Declaration of Independence, than whom a better never graced the earth. They also declared that taxation and representation should go hand in hand. History is but repeating itself : you now tax the Southern States without giving them a representation in Congress. The gentlemen from Santa Clara and San Joaquin insist that they are out of the Union—

HUNT and CHAMBERLIN—How do you know that we say so?

MR. HOLDEN—Why, sir, I can tell by your looks. [Laughter.] (They did not deny it.) The Senate, but a few days since, refused to adopt a resolution declaring that the States lately in rebellion are not out of the Union. You have always contended that a State could not secede, and have waged a most bloody war for the last four years—sacrificing a million of lives, expending billions of money, and carrying mourning and desolation into every home—to establish what? Why, that a State had not the right to secede, (for you denied that the war was waged to abolish slavery) ; and after you have settled the proposition by the arbitratment of the sword, you

turn around to us and repudiate the decision rendered in your favor, and at your own instance.

Are you not ashamed of your inconsistencies and absurdities? "Why will you play such fantastic tricks before high Heaven, in the broad glare of day, as to make the angels weep?"

You say there is no issue between President Johnson and the Radicals. "Do not hug to your bosoms these delusive phantoms of hope;" the issue is already joined, the squadrons are already in the field, commanded upon the one side by the commander-in-chief, Andrew Johnson, and the gallant U. S. Grant, backed by those who are in favor of the Union and the rights of the States.

MR. CHAMBERLIN—Do you indorse the hanging of Mrs. Surrat?

MR. HOLDEN—No, thank God, never! I am no woman-strangler; I believe those who have tried and hung men and women, as military commissioners, will, and that before long, be regarded by all as murderers. There are no such tribunals known to State or Federal constitutions.

MR. CHAMBERLAIN—Why did the President suffer her and them to be murdered?

MR. HOLDEN—Because nothing less than the blood of a woman would appease the insatiate thirst for blood of your loyal mob; perhaps it prevented a worse revolution than that through which we have just passed.

MR. CHAMBERLAIN—How much of President Johnson's policy do you indorse?

MR. HOLDEN—All that will tend to a full, perfect and complete restoration of the Union, the constitutional authority of the Federal Government, the constitutional rights of the several States, and that fraternal feeling that existed prior to the revolution. So much—no more—if he does aught else. But I believe that he has cut loose from that fanatical portion of the Union party that still cry, Give us more blood!—more vengeance! I mean by the constitutional rights of the several States, "the right of each State to order and control its own domestic institutions according to its own judgment exclusively, and that it is essential to that balance of power upon which the perfection and endurance of our political fabric depends." I know you will denounce this proposition as the damnable heresy of States' Rights, which has caused this war. I see that you are ready to denounce it as the doctrine of Jeff Davis.

Why, sir, the resolution I have just read is one of the planks

in the Chicago Platform, upon which Mr. Lincoln was elected President in 1860. Did you vote for him? Then you indorsed the damnable doctrine of States' Rights, which was the cause of this war. I mean by the constitutional rights of the States, that the States can lawfully exercise all powers not granted in the Federal Constitution to the Federal Government, nor prohibited to the States.

I mean by the Constitutional authority of the Federal Government, that it has the right to exercise authority upon all subjects delegated to it in the Federal Constitution, and no more; that the grant of powers to the Federal Government in that instrument is the charter of our rights, and that the exercise of any other power than therein set down is usurpation. But, Mr. Speaker, the very profound interogatories of these learned gentlemen have drawn me from the course of my argument.

I will state again that the issue is joined between the Radicals, who are in a very considerable majority in Congress, and the President. Led on by the sniveling Sumner, Hale, Wilson, Sherman and Higby, and a host of other valiant chieftains, "that never set a squadron in the field, or the division of a battle knew more than a spinster." They make war upon those sun-burnt veterans (Democrats), Sherman, Sheridan, Grant and McClellan, who so often have shown their valor "upon the tented field." They say the States lately in rebellion are out of the Union—conquered territories—and should be treated and governed as such. They insist that those States shall give the negro the right of suffrage before they shall be regarded as in the Union; that Congress has the right to tax them without their being represented; they keep out the senators and members elected to seats in Congress in pursuance of the President's proclamation; they have already passed a bill through the lower house, whereby twelve thousand negroes in the District of Columbia will be entitled to vote, and govern the eight thousand white voters in that District.

All this the President opposes. He holds that these States are in the Union. If so, they have a right to be represented; and, if so, in accordance with the resolution from the Chicago Platform, above referred to, they have the right to determine who shall vote.

The Secretary of State, in pursuance of law and the order of the President, on the 18th of December last, issued the following proclamation:

To All Whom these Presents may come, Greeting:—Know ye, that whereas, the Congress of the United States, on the 1st of February last, passed a resolution, which is in the following, namely:

A resolution submitting to the Legislatures of the several States, a proposition to amend the Constitution of the United States:

Resolved—By the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which when ratified by three-fourths of said Legislatures, shall be valid to all intents and purposes as a part of said Constitution, namely:

ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the parties shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

And whereas, it appears from official documents on file in this department that the Amendment to the Constitution of the United States, proposed as aforesaid, has been ratified by the Legislatures of the States of Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina and Georgia, in all twenty-seven States.

And whereas, the whole number of States in the United States is thirty-six.

And whereas, the before specially named States, whose Legislatures have ratified the said proposed amendment, constitute three-fourths of the whole number of States in the United States:

Now, therefore, be it known that I, William H. Seward, Secretary of State of the United States, by virtue and in pursuance of the second Section of the Act of Congress, approved the 20th of April, 1818, entitled—"An Act to provide for the publication of the laws of the United States and for other purposes, do hereby certify that the amendment aforesaid has become valid to all intents and purposes as a part of the Constitution of the United States.

In testimony whereof, I have hereunto set my hand and caused the seal of the Department of State to be affixed. Done at the City of Washington this 18th day of December, in the year of our Lord, 1865, and of the Independence of the United States of America the 90th.

WM. H. SEWARD, Secretary of State.

By this proclamation there are thirty-six States in the Union. You insisted once to us that to doubt that the President and heads of Departments was the Government was *treason*. Have you changed your views? It will be perceived that eight or nine of these States, formerly in rebellion, have ratified the Amendment to the Constitution abolishing slavery. When the Amendment was under discussion here, we were told as an argument that these rebel States had adopted it.

Will you pretend to say that these States are in the Union for one purpose and not for all purposes? Can States ex-

ercise the highest sovereign right known to our Constitution, that of changing the organic law of the Federal Government, and still not be under that Government?

In my opinion those who do not support Mr. Johnson in these propositions are not now and never were in favor of the Union. I believe that they do not want the Union restored. Why, sir, Massachusetts, when Texas was annexed, passed a resoluion that if Texas was in the Union, she was out. This was the first secession ordinance ever passed, and stands to-day upon her statute books unrepealed. Do you remember when Horace Greely sung [pointing to the *battle* flag in the Capitol] "tear down that flaunting lie." Do you not remember the declaration of Mr. Banks, that in a certain contingency he was willing to "let the Union slide"? Do you not remember that in 1855, that hoary-headed traitor, now of the Radical party, said: "There was really no union then between the North and South; that he believed no two nations upon the earth entertained feelings of more bitter rancor towards each other than these two sections of the republic; that the only salvation was to be found in divesting it entirely from all taint of slavery; that there was no union with the South; that he wished to sweep away this remnant which we call Union; that he went for a Union where all men were equal, or for no Union at all"? Don't you remember that the Constitution was declared by Wm. Lloyd Garrison "to be a league with death and a covenant with hell." You undoubtedly remember the Helper programme, as laid down in his celebrated book, endorsed by sixty-eight Radical Republican members of Congress, which had for its object the destruction of the institutions of the South, which you said in the Chicago platform Congress had not the right to interfere with.

I do not claim that these acts and sayings of these men, although the center and leaders of the Republican party, that in 1856 rallied around the Fremont standard, and in 1860 elected Mr. Lincoln to the Presidency, is positive proof that they were disunionists, which I well might do were I to apply the reasoning of the member from Santa Clara. But I do claim that these disunion sentiments, uttered by these men in 1856 and reiterated in 1860, taken in connection with their now opposition to the restoration of the Union as sought to be perfected by President Johnson, *is* proof as plain as "Holy writ" of the deep-rooted and damnable treason of these political charlatans. It does prove that their pretended devotion to the Union was

nought but hypocrisy and deceit. It does prove that the Union was not the object of their hearts' devotion ; that love of country was no moving cause to their actions ; but as resolved by the Abolition Society after peace was declared, their mission would not be accomplished until the black man was placed socially and politically upon an equality with the white man, and that the word *white* should be erased from the statute books of every State in the Union.

This, gentlemen of the Radical wing of the Union party, is the object for which you are contending. You may deny it, but in your hearts you know it is true. It is the object of the organized opposition to the administration in Washington to break down the barrier between the white and black man that God and and nature's God has so plainly marked, through the entire South as they have already done in the District of Columbia.

With them the Union is nothing ; equality between those made by God unequal ; agrarianism is the soul of the convicted felon John Brown, that urges them to still go marching on, not to save or restore the Union, but on to destroy it.

" I believe, sir, that President Johnson in his efforts to restore the Union is guided by the patriotic sentiments expressed in the Resolutions of John J. Crittenden, passed without a dissenting voice, to-wit : That the war is not waged in any spirit of oppression, or for any purpose of conquest or subjugation, or interfering with the rights of established institutions in those States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality and rights of the several States unimpaired. So believing, I am bound to give him my support.

Mr. Speaker :

I do not often pause in the discharge of my official duties to vindicate my acts. I am willing to abide the decision of my countrymen upon the record of the past four years. I could not change it if I would, and *I would not if I could.*

I, in common with the one million eight hundred thousand men north of Mason and Dixon's line, that rallied around the standard of General McClellan, have been denounced as a traitor.

In the winter of 1862, I introduced a resolution in the Senate as follows :—" *Resolved*, that we pledge the State of California to a *full, faithful and complete* performance of all her constitutional duties and legal obligations to the Federal Government."

If that is evidence of treason, then do I plead guilty—*most guilty*—to the charge.

I, with the party to which I belong, have been charged with being in sympathy with treason. Will you pretend to say that the stern Judge who pronounced sentence of death upon his own son in obedience to law, was in sympathy with the crime for which he condemned him? Were the scalding tears springing from the deep fountain of a father's love, at the suffering and anguish of a misguided and criminal son, sufficient evidence to prove that he approved the crime?

We have seen, sir, within the last five years, that beautiful land of the South, where the sun shines the brightest, the moon's beams are the mildest, and the flowers linger longest, one broad field of desolation. The charred and mouldering ruins of razed towns and desolated cities marked the progress of our armies. Non-combatants—the aged fathers standing upon the verge of the grave, the loving mother and the unoffending child—have passed without a murmur from affluence and ease to poverty and want, while the stout-hearted rebel has looked on without faltering in his course. Can men and women do these these things and not believe they are right?

If the men of the North from their education *believe* they are right in their hostility and determination to destroy slavery, does not common charity require us to admit that the people of the South, from the peculiar institution by which they were surrounded, and the political doctrines that have been taught them, were equally honest in believing they were right also? If they believed they were right, should the punishment be continued longer than they persist in the wrong? Do you believe that the sins of the active rebel should be visited upon the aged and infant? Will you still continue to be led by the bloodhounds of Zion who, snuffing afar the scent of battles and plunder, "Cry havock, let slip the dogs of war?" Do you require us to forget the Christian teachings of childhood, and manifest the spirit of demons to prove our loyalty? Will you insist upon our rejoicing at the sufferings of these people?

If the men of the South have in good faith laid down their arms and acknowledged the supremacy of the Government, is it not the duty of the patriot as well as Christian, to endeavor by all means in his power to remove the deep-seated prejudices, and fierce heart-burnings still rankling in the bosoms of men both North and South, and restore if possible that fraternal feeling that existed prior to the revolution? Has not the building up of sectional parties, founded as it must be

upon sectional prejudice, and heated by political demagogues, and its termination in a fratricidal war, already taught us that prosperity and liberty cannot be thus preserved? If not, then the teachings of history are all in vain.

It appears to me that he is the best patriot and the best *Union man* who does most towards restoring the friendly relations that existed between the heretofore warring sections of our country, regardless of his party or his professions of loyalty. So much in answer to the speeches that have been made here to-day. I will only add that in my opinion, the resolution that I introduced should pass. It, if perfected, would remove the necessity from the otherwise overtaxed people of this State for the payment of two hundred thousand dollars, to be expended in pomp and show at this military encampment. The people of this State will not denounce it as buncombe, whatever may he the opinion of the gentleman from Placer, (Mr. Yule).

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CALIFORNIA INV. 1898

SPEECH

OF

MR. HOUSTON, OF TEXAS,

FAVORING

A MEXICAN PROTECTORATE.

DELIVERED IN THE SENATE OF THE UNITED STATES, APRIL 20, 1858.

Mr. HOUSTON. I move to take up the resolution I had the honor to submit som weeks since on the subject of a protectorate over Mexico and Central America; and I believe it is in order to offer some remarks on that motion.

Mr. HUNTER. I must say, in regard to that motion, that I shall have no objection to it, provided it will not supersede the consideration of the special order. When is the hour for its consideration?

The PRESIDENT *pro tempore*. At one o'clock.

Mr. HUNTER. Then I will say that of course I do not object to taking up the resolution, if at one o'clock we shall proceed with the special order.

Mr. GWIN. I thought the deficiency bill was the special order for twelve and a half o' clock.

The PRESIDENT *pro tempore*. The special order was fixed for half-past twelve o'clock yesterday; but it is for one o'clock to-day.

Mr. HOUSTON. I hope I may be allowed to conclude my remarks; they are limited.

Mr. HUNTER. The Senator from Texas tells me that he will not occupy more than an hour, and as I am anxious to go on with the deficiency bill, perhaps it would be better that he should commence now. It will only postpone the consideration of that bill for half an hour. I hope the Senate will consent to let him take up his resolution.

Mr. HOUSTON. I move to take up the resolution for the purpose of offering a substitute, and proposing that it be referred to a special committee to consist of seven. I do not suppose that will lead to any argument whatever. I wish to offer some views explanatory of the object of the resolution.

The motion was agreed to; and the Senate proceeded to consider the resolution submitted by Mr. HOUSTON in regard to establishing a protectorate over Mexico and other Central American States.

Mr. HOUSTON. Mr. President, it will be recollected that a few weeks ago I offered a resolution to instruct the Committee on Foreign Relations to inquire into the expediency of establishing a protectorate over Mexico and the Central American States by this Government. That resolution, without being amply discussed, was laid upon the table. I have risen for the purpose of proposing a substitute for it, by which the inquiry shall be confined to Mexico, and submitted to a select committee.

It is, perhaps, nothing more than respectful to Great Britain, inasmuch as we have been negotiating with her for several years in relation to Honduras and the Mosquito shore, that the differences between the two countries should be amicably adjusted, if possible, before we proceed to intervene for the regulation of the affairs of the five puny States beyond Mexico. Moreover, the condition of most of those States, bad as it is, is incalculably better than that of our poor, distracted, adjoining neighbor. Their public demoralization, too, affects us less injuriously.

The State, sir, which I have enjoyed the honor of representing in this chamber, in part, with my lost but unforgotten colleague, since the emblem of her national independence took its place among the galaxy of stars which is unfurled over our heads, has a paramount interest in the establishment of orderly government in Mexico.

It is as essential to her public morality and general prosperity as is that of any one State in the Union to another. The line of partition between the United States and Mexico stretches nearly two thousand miles—one thousand of which is Texan. Along a considerable portion of that line, on our side, savages abound, over whose propensities for the commission of crime on the inhabitants on the other side we can exercise, although obligated by solemn treaty stipulations to do so, no effectual restraint. On account of the depredations incessantly perpetrated by the Camanches and other tribes upon the Mexicans, the border population is steadily receding into the interior; and instead of progressive civilization, the chances multiply, from day to day, that the country will be turned over to barbarism—to the savages now within our own limits. Mexico cannot prevent it, because she is never free from civil war or other intestine commotions; and we cannot, at any cost, short of hermetically sealing our frontier. Thus good neighborhood on either part, as matters at present stand, is next to an impossibility. The one cannot repel, and the other cannot pursue. The wild Indian in his forest wanderings has no respect for, if he even had a knowledge of, the lines which separate civilized nations. He roams wherever his untutored mind points the way, making in his strides the powerless—whether the white or the red man—his victim. Different, vastly different, is the condition of the neighborhood on our nothern frontier. The inhabitants of the British Provinces are so assimilated in character and identified in interests with the inhabitants of the Northern States that they are as much the same as if they constituted one people. Practically there is nothing but a political line of division between them. The Marcy-Elgin treaty cemented their intercourse, and commercially annexed the Canadas and other adjacent possessions of Queen Victoria to those States. We gave to the colonies every thing that they asked—every thing that they could have desired.

The Senator from New York told us the other day, in substance, that the North was mighty, and that it would speedily become still mightier. In the majesty of its power it may, at no distant day, bring those colonies into the Union, and particularly if they should become dissatisfied with the rule of the mother country. Nor can it be pleaded that they are not prepared for admission. Every day that passes—such is the frequency of their communication with the citizens of Michigan, New York, and New England—they receive practical lessons in the science of self-government, adopting of course the tenets of anti-slavery. Their number does not greatly exceed a third of that of Mexico, and yet they probably contribute ten times as much to the prosperity of the North as Mexico does to the prosperity of the South. I do not mention this in the language of sectional complaint, but in justification of the measure I propose.

The notion, sir, that Mexico will ever help herself out of the extremities to which she has been so deplorably reduced, is too absurd to be entertained by a rational mind. The more she struggles, ostensibly for the bettering of her condition, the more anarchical she becomes. To bring such a population as hers into the Union would be to assume the gravest of responsibilities. To suffer her to be parcelled out by fillibusters—each chief perhaps a despot—would be to fraternize with every desperate adventurer in our own land, and to invite to our continent all the wild, vicious spirits of the other hemisphere. Nor could we consent, without palpable dishonor, to see her placed in the leading-strings of any European Power, even were there a disposition manifested to so place her. We have, then, no alternative, if we put the slightest value upon our interests, and are not disposed to disregard our duty, but to arrange plans immediately for ruling her wisely, and, as far as possible, gently.

In the consummation of great measures we are apt to be—perhaps a little too apt—a closely cost-calculating people. In the matter of the proposed protectorate of Mexico, one of the first questions which is likely to suggest itself to our countrymen is that relating to the expenditure it will involve. Happily, this can be readily and satisfactorily answered.

The protectorate must be self-protecting—the expense incident to it defrayed by the protected. The General Government of Mexico could probably be administered, taking a term of ten years, for $6,000,000; while her custom receipts, under a well-regulated and honestly administered revenue tariff, would double that amount.

Our Gulf and Pacific squadrons would be ample for the protection of her commerce in those quarters, and without subjecting us to additional outlays. Five thousand reliable regular troops, properly garrisoned and distributed, would insure the establishment and preservation of internal order; and the adoption of a good police system would eventuate in bringing to justice, and effectually subduing, the rapacious and blood-thirsty bandits who infest her highways. Hence it is clear that we have

it in our power to improve the condition of Mexico immeasurably; to breathe the breath of new life into her nostrils; and without incurring the risk of a dollar. What a salutary change would this be, not only for both countries, but for the world at large!

Faithless to her engagements, Mexico has been for a long time but a little better than a national outlaw. She is powerful for the commission of wrongs, but powerless for their redress. Our Department of State is the repository for the grievances of our citizens by her highhanded deeds; but nothing more than a repository, since the securing of indemnities for outrages has become a somewhat obsolete idea. Those grievances are doubtless magnified in a pecuniary point of view, as grievances ever are where a government is responsible; but still there should be an authority in Mexico with which they may be adjusted and provided for, as ascertained to be valid. The claimants might select one commissioner for their examination, Mexico another; and, in case of disagreement, the two an umpire. So with the inhabitants of other countries, who have experienced wrongs at her hands which have not been redressed. With respect to her funded debt, it amounts to about fifty-five million dollars, and is chiefly owned in England and on the Continent. It was consolidated in 1846, by a convention between the Government of Mexico and a committee of the bondholders, by which it was to bear five per cent. coupon interest. The war in which Mexico became involved with the United States so enfeebled her that she was unable to provide the interest, or a single dividend of it, until some time along in 1850, when she sent a commissioner to London to represent the state of her finances, and to make a new proposal to her creditors. This proposal was to the end that she would pay out of the California indemnity money the interest in arrears, and pledge one-fourth of the custom-house receipts on imports as well as exports for the payment of the future interest of the debt, provided the bondholders would agree to diminish the rate of interest from five to three per cent. To this, after some hesitation, they consented. Since then, such is the faithlessness with which she has acted, and such the subterfuges that she has had to resort to in order to sustain her sickly existence, that she has appropriated to herself nearly all the customs dues received; having remitted only a sufficient amount to pay four of the semi-annual three per cent. interest dividends which have since matured. With this arrangement, to which Mexico is bound, we could not interfere, as her protector, unless with the assent of the bondholders. It might, however, probably be modified to their own and her advantage. The assumption of it by this Government, as a consequence of the protectorate is too idle a supposition to be entertained. Great Britain could not expect more from us in the premises than to see that the portion of the revenue from the customs stipulated for was regularly placed at the disposal of those bondholders when collected. This would in all likelihood defray the interest as it accrued, besides creating a sinking fund for the absorption, in a few years, of the principal, and thus extricate the hand of our unfortunate neighbor from the lion's mouth. England, as I shall presently show, would be well enough pleased to have it so extricated.

Mr. President, I have looked, but looked in vain, in both wings of this Capitol, for a fellow-member who was a fellow-member with me when the celebrated Monroe doctrine was announced. Of the two hundred and sixty-one Senators and Representatives who constituted the Congress which commenced its session on the first Monday of December, 1823, I stand here alone, and I will not disguise it, as one who regards himself as among the last of his race—as one who feels that he is approaching his journey's end on life's pilgrimage, and who has now no other ambition to gratify than to "render the State some service." All those worthy spirits, alas! have, one by one, quitted earth, with the exception of President Buchanan, ex-President Van Buren, ex-Senator Branch, ex-Senator Rives, Governor Letcher, and Governor Wickliffe, of Kentucky, Governor Johnson, of Virginia, General Mercer, General Campbell, of South Carolina, Mr. Saunders, of North Carolina, Mr. Stuart, of Pennsylvania, Mr. Blair, of Tennessee, and possibly two or three others. To say nothing of the distinguished merits of the survivors, in that great Congress might have been seen, in the full meridian of strong intellect, the Jacksons and Clays, the Websters and Randolphs, the Macons and Forsyths, the Bentons and Livingstons, the Barbours and Johnsons, the McLanes and McDuffies, the Kings and Smiths, the Taylors and Hamiltons, the Floyds and Holmeses, the Ruggleses and Bartletts. It was to such men, chosen alike for their wisdom and integrity, representing twenty-four sovereign States and thirteen millions of inhabitants, that Mr. Monroe (counselled by a Cabinet composed of John Quincy Adams, William H. Crawford, John C. Calhoun, Samuel L. Southard, William Wirt, and John McLean) addressed himself in such confident and resolute language with reference to the ulterior purposes of this coun-

try. I shall never cease to remember the exultant delight with which his noble sentiments were hailed. They met not only with a cordial, but an enthusiastic reception both in and out of Congress. They were approved with as much unanimity as if the entire population of the Union had been previously prepared to re-echo their utterance. At that glorious epoch there was a broad, towering spirit of nationality extant. The States stood in the endearing relation to each other of *one for all, and all for one.* The Constitution was their political text-book, the glory of the Republic their resolute aim. Practically, there was but one party, and that party animated by but one object—our upward and onward career. As if in atonement for the wrong inflicted upon the country by the angry Missouri controversy, which was then fresh in every mind, there seemed to be no circumscription to that genuine patriotism which everywhere within our embraces displayed itself. May we not trust, Mr. President, that a similar result will ensue from the still more angry Kansas controversy, and that the benign influences of such results will be as durable as creation? This will assuredly be the case if the only question asked within this Capitol when an embryo State asks for admission into the Union is: *Does her constitution conform to the national requirement—"a republican form of government?"* We have cheapened ourselves immensely in the world's esteem, and I fear polluted our system of government, in our extravagant disbursements, which have been overlooked in the profitless strife which had its emanation in the hostility to the institution of negro slavery. Let each new State, hereafter, come slave or free, as she chooses, and we shall henceforth have peace, the peace of union as contemplated by the authors and founders of our Republic. We have grander ends to attain than the frittering away of a healthful existence upon such loathsome, ignoble subjects. Our aspirations should be to spread our heaven-inspired principles, by our lofty public bearing, on to the most remote and benighted regions; proudly, in the rectitude of our intentions, taking our place at the very head of the nations of the earth. It is for us, if we are equal to our mission, to realize for America the poet's vision of the future of England:

> "Wherever the bright sun of heaven shall shine,
> Her honor and the greatness of her name
> Shall be and make new nations; she shall flourish,
> And, like a mountain cedar, reach her branches
> To all the plains about her."

But, sir, to return to the Monroe doctrine. In their notice of the message at the time it was promulgated, the then as now calm, observing editors of the National Intelligencer remarked:

> "It does honor to its author, and the most material parts are conceived in the true spirit of the days in which he first engaged in the scenes of public life."

Sir, that doctrine is, perhaps, quite familiar to every member of this Senate; but such has been my unrelaxing pride in it for nearly thirty-five years, increased, if possible, by the fact that I am the only person entitled to a seat in this building to whom it was addressed, that I cannot refrain from its perusal, nor from narrating its history and explaining its purpose.

Our relations at that time were not in a satisfactory condition with the Emperor of all the Russias—the differences having grown out of a claim of that autocrat to a portion of this continent—and in this connection Mr. Monroe made the emphatic declaration:

> "In the discussions to which this interest has given rise, and in the arrangments in which they may terminate, the occasion has been judged proper for asserting as a principle, in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European Power."

Subsequently he reviewed the political condition of the two hemispheres, and referring to the desire of the Holy Alliance to re-establish Spain in her late American possessions, he fearlessly stated that—

> "We owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their parts to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European Power we have not interfered, and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States." * * * * * * *
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> "It is impossible that the Allied Powers should extend their political system to any portion of either continent [American] without endangering our peace and happiness; nor can any one believe that our Southern brethren, if left to themselves, would adopt it of their own accord. It is equally imposible, therefore, that we should behold such interposition, in any form, with indifference."

CALIFORNIA

Shortly after the settlement of Europe by the Congress of Vienna, the more despotic continental Governments suddenly became seriously troubled on account of the liberal sentiments which strikingly manifested themselves in Spain and elsewhere. The Holy Alliance, in its conferences at Troppau and Laybach, declared eternal hostility to all popular institutions, announcing its purpose to "repress republican opinions wherever they might be found, and to extinguish the feelings that prompted them." To use its avowed language:

"To preserve what is legally established was, as it ought to be, the invariable principle of their policy. Useful or necessary changes in legislation, and in the administration of States, ought only to emanate from the free will and the intelligent and well-weighed conviction of those *whom God has rendered responsible for power.*"

The Czar of Russia has promised Ferdinand of Spain that if he would overthrow the constitution of that kingdom he would assist him, not only in fortifying his throne, but also in re-establishing his authority over the revolting Spanish-American provinces. To this proposition England dissented in terms so decided as to cause its relinquishment—an occurrence not displeasing to Austria, as she was averse to the marching of a large Russian army across her bosom in the direction of the Pyrenees. But France, acting in the interest of the Holy Alliance, and probably with a view to selfish ulterior objects, determined to intervene in the affairs of Spain, and—under the alleged excuse to England that she wished to prevent the yellow fever, which was prevailing in Portugal, from entering her limits—she established an army in the confines of the Spanish realm, which she designated a "*cordon sanitaire.*" The disappearance of the disease, however, from the peninsula did not lead to its withdrawal; and subsequently she bestowed upon it the title of the "army of observation." But it was not long—in the summer of 1823—until she marched it over her boundary and undertook to control Spain. When, in 1808, Napoleon attempted to place the crown of that realm durably upon the head of his brother Joseph, he unquestionably contemplated the acquisition by his house of all the distant possessions. This idea might not have been the actuating one in the armed occupation of Spain by France; but it is certain that she regarded those possessions as a prize worth securing, if they could be obtained at a reasonable or indeed an extravagant cost. She saw distinctly that they were as good as lost to the mother country, which was in a deplorable moral, financial, commercial, and physical condition. Mr. Canning, as Premier, made unceasing efforts to influence France to recall her army from Spain, but they were disregarded. This enlightened British statesman boldly arrayed his Government against the principles of the Holy Alliance, and lost no suitable occasion to publicly proclaim the sentiments by which the British were animated—sentiments which were warmly responded to at home, and by the larger portion of the continental public. They were simply these, and, from their very nature, in violent antagonism with those entertained by the stipendiaries of the crowned head contrivers of the Congress of Verona: *The people, the origin of all power, the object of all governments, the good of the governed.*

Nor were suitable opportunities left unavailed of by the Premier for strengthening and cementing the ties of friendship between his own and this country. In a speech which he delivered to his townsmen of Liverpool, on the 25th of August, 1823, at a banquet which they gave to Christopher Hughes, our excellent Minister to the Netherlands, he said among other things:

"On such an occasion he might be permitted to express the gratification he felt in common with the great mass of the intelligent and liberal men of both countries, to see the animosities necessarily attendant on a state of hostility so rapidly wearing away, and giving place to feelings so consonant to the true interests of the two nations, united by a common language, a common spirit of commercial enterprise, and a common regard for well-regulated liberty. It appeared to him that of two such nations the relative position was not wholly unlike that which occasionally occurred in families: where a child having perhaps displeased a parent—a daughter, for instance—in contracting a connection offensive to that parent's feelings, some estrangement would for awhile necessarilyensue; but after a lapse of time the irritation is forgotten, the force of blood again prevails, and the daughter and the mother stand together against the world."

About the time this speech was delivered, Mr. Canning is reported to have had an interview with our Minister near the Court of St. James, in which he explained the policy of his Government with respect to Spain and the South American States, desiring the co-operation of the United States, if necessary, in its enforcement. Our Minister, it appears, had no instructions upon the subject, but transmitted the proposal to Washington for consideration. On the 31st of March previous the Prime Minister wrote to the British Minister at Madrid to intimate to the French Minister near that Court, in terms sufficiently distinct to admit of no misconception, that while Great Britain utterly disclaimed any intention of appropriating to herself any of the former colonies or dependencies of Spain, she would not tacitly consent to

their acquisition, or that of either of them, by France. This led to a conference between himself and the Prince de Polignac, the French Minister, on the 9th of October, 1823, in which the latter proposed:

"That in the interests of humanity, and especially in that of the Spanish colonies, it would be worthy of the European Governments to concert together the means of calming, in those distant and scarcely civilized regions, passions blinded by party spirit, and to endeavor to bring back to a principle of union in government, whether monarchical or aristocratical, people among whom absurd and dangerous theories were now keeping up agitation and disunion."

But the conference terminated without a result, Mr. Canning no doubt deeming it better to await intelligence from this capital relative to his proposal to our Minister. The world-renowned message contained Mr. Monroe's answer. It was as unexpected as a destructive earthquake, and dispelled every hope which had been indulged in Paris, and in autocratic circles elsewhere, of the re-establishment of Spain in her lost possessions. It was thus that the triumph of England over the Holy Alliance was effected, as was explained, when Parliament met in the following February, by the Marquis of Lansdowne in the House of Lords, and Mr. Brougham in the House of Commons.

In the discussion upon the speech from the throne, at the opening of the session, the Marquis observed, in the House of Lords, in commenting upon that part of it relating to the non-recognition of the Spanish-American States in terms of disapproval:

"But if we had been tardy it was a satisfaction to find that America had on this occasion taken that decisive step which so well became its character and its interest. As that important decision was of the utmost consequence to every portion of the world where freedom was valued, he could not grudge to the United States the glory of having thus early thrown her shield over those struggles for freedom which were so important, not merely to America herself, but to the whole world." * * * "Let their lordships look to what had happened in the United States. There a population of three millions had, in the course of forty years, been increased to ten millions."

In the House of Commons, during the same day and in the same discussion, Mr. (now Lord) Brougham remarked:

"The Holy Alliance! [A cry of 'hear!'] What, was this designation of these sovereigns doubted? Why, it was not his, but that which they had given themselves. There was but one view that could be taken of that league of conspirators and of the motives of their alliance." * * *

"The question, however, with regard to South America, he believed was now disposed of, or nearly so; for an event had recently happened, than which no event had ever dispersed greater joy, exultation, and gratitude over all the freemen in Europe—an event in which he, as an Englishman, connected by ties of blood and language with America, took peculiar satisfaction. An event, he repeated, had happened which was decisive on that subject; and that event was the message of the President of the United States to Congress. The line of policy which that message disclosed became a great and independent nation; and he hoped his Majesty's Ministers would be prevented by no mean pride or paltry jealousy from following so noble and illustrious an example. He trusted that as the United States had had the glory of setting, we should have the good taste to follow, the example of holding fast by free institutions, and of assisting our brother freemen in whatever part of the globe they should be found in placing bounds to that impious alliance which, if it ever succeeded in bringing down the Old World to its own degraded level, would not hesitate to attempt to master the New World too."

Mr. Canning, the Premier, in reply, stated that—

"In some of the principles laid down in the message of the President of the United States he entirely agreed; and he might be permitted to say that, long before the message went forth, it was distinctly admitted in the State Papers of Great Britain that the question between the mother country and the colonies was not a fit subject for foreign interference; but he did not agree in the principle that the parent State had not a right, if she could, to recover her own colonial dominions." [Mr. Brougham motioned that such a principle was not laid down.] "Mr. Canning, continuing. In the paper to which the honorable and learned gentleman referred there was a passage which many individuals construed in that way, and he certainly understood the honorable and learned gentleman so to have construed it. He was clearly of opinion, with the President of the United States, that no foreign State had a right to interfere pending the dispute between the colonies and the mother country; but he was as strongly of opinion that the mother country had a right to attempt to recover her colonies if she thought proper."

Mr. Canning's construction of the message was clearly correct, as will have been seen from the extracts which I have read from that document. Spain, ruled by France, as the swordsman of the Holy Alliance, was included in the declaration that—

"With the Governments who have declared their independence and maintain it, and whose independence we have on great consideration and on just principles acknowledged, we could not view an interposition for the purpose of oppressing them, or controlling in any other manner their destiny by ANY European Power, in any other light than as the manifestation of an unfriendly disposition towards the United States."

It has often been asserted, sir, that Mr. Canning originated the Monroe doctrine. It has been seen to what extent he is entitled to that credit. The announcement of that doctrine, as valuable a purpose as it served his Government, perhaps took no one more by surprise than himself. Little could it have been imagined that a young republic, with nothing like half of its present population, could summon resolution to proclaim at the top of its voice, to all the potentates of the other hemisphere, in

substance: "You may manage your affairs as you choose there, but you shall not carry your system or systems of government to the world of the West. With stout hearts and strong minds, and, above all, relying upon God's favor, we will prevent the establishment of any new European alliances in this hemisphere, or perish in the effort."

At the time of preparing his message it may have been seen by Mr. Monroe that circumstances might arise rendering it necessary that the exercise of a controlling influence over one or another of those young republics would become a necessity on the part of this country. Mr. Clay, in his zeal for their recognition, has asserted, in his place in the other House, that "it would be impugning the wisdom of Almighty God to suppose that he had created beings incapable of self-government;" but Mr. Monroe was not, perhaps, quite so sanguine. He, however, was determined, as far as his official influence could be advantageously employed in the instance of those republics, that the experiment should have a fair trial. But if it should result in failure no foreign Power should attempt their re-subjugation. It would become a duty under our mantle to nourish, cherish, and protect such as could not take care of themselves. The unlocking of the rich, varied, natural stores of Mexico would redound not only to an enlarged welfare of that country, but to the good of every country interested in commerce and in enlightened civilization. She is, literally, the thriftless "talent tied up in a napkin." She can never be otherwise until we exercise a controlling influence over her. We must make her respectable and respected. She has been going down so long that she is incapable of rising. With life and property secure, it is estimated that she could produce $100,000,000 of silver annually. Instead of fifteen or twenty miles of railroads she might in a score of years have as many hundred. With such an attractive climate and fruitful soil and variegated scenery she would become the centre of fashionable travel and the abode of enterprising industry; and the occurrence would not only command the approval, but also the admiration, of Great Britain and other European States. The London Times, which moulds rather than follows public opinion, says:

"There is not a statesman who would wish to see Great Britain hamper herself with an inch of Mexican ground. Let the United States, when they are finally prepared for it, enjoy all the advantages and responsibility of ownership, and our merchants at Liverpool and elsewhere will be quite content with the trade that may spring out of it. The capacity of the Mexican population for appreciating a constitutional rule is not so remarkable that we should volunteer to administer it."

The Monroe doctrine has been repeatedly ridiculed of recent years, and by grave Senators, as the merest of abstractions—as unmeaning and valueless. But let me tell you, sir, that but for that doctrine Texas probably had never entered your Confederacy. Canning might have yielded to Polignac for the consolidation of a monarchical or aristocratical form of government for the *cidevant* colonies of Spain, by which, of course, she would have been included as one of those colonies, had it not been for the seasonable declaration of that doctrine, and the thrill of joyous delight with which it was hailed by the votaries of liberty everywhere. On this account alone I may be pardoned for fancying that it is deserving of a worthier designation, even by the most violent tongue, than an abstraction. When Cortez returned to Madrid from his conquering expedition to America, he went to Court. The haughty Charles V., observing his stately mien as he approached him, emphatically demanded: "Who are you, sir?" "The man," replied he, "who has given you more provinces than your ancestors left you cities!" With equal truth may it be said of Texas, that she has been instrumental in giving the Union more dollars than its founders left it cents. She has been instrumental in developing its resources more in twelve years than had been previously developed in sixty. I do not mention this in a spirit of vainglory. Who could be vainglorious of such a State?—a State that is advancing with giant's strides in all that constitutes a State to the head of the column of the Southern division of the Union? The time may come—yes, will come, sir—when if she shall be as properly cared for by this Government in her intercourse with Mexico as New York has been cared for in her intercourse with the British Provinces, she may be to that division what the empire State is to the Northern division. But whatever her future power, I trust that the language of her sons will ever be, in contradistinction to the supercilious expressions which fell from the lips of a distinguished Senator a few days ago, as far as concerns the exercise of *might* for the purpose of sectional oppression:

"O! 'tis excellent
To have a giant's strength; but it is tyrannous
To use it like a giant."

Whenever one section of this country presumes upon its strength for the oppression of the other, then will our Constitution be a mockery, and it would matter not

how soon it was severed into a thousand atoms and scattered to the four winds. If the principles are disregarded upon which the annexation of Texas was consummated, there will be for her neither honor nor interest in the Union; if the mighty, in the face of written law, can place with impunity an iron yoke upon the neck of the weak, Texas will be at no loss how to act, or where to go, before the blow aimed at her vitals is inflicted. In a spirit of good faith she entered the Federal fold. By that spirit she will continue to be influenced until it is attempted to make her the victim of Federal wrong. As she will violate no Federal rights, so will she submit to no violation of her rights by Federal authority. The covenant which she entered into with the Government must be observed, or it will be annulled. Louisiana was a purchase, California, New Mexico, and Utah a conquest; but Texas was a voluntary annexation. If the condition of her admission is not complied with on the one part, it is not binding on the other. If I know Texas, she will not submit to the threatened degradation foreshadowed in the recent speech of the Senator from New York. She would prefer restoration to that independence which she once enjoyed to the ignominy ensuing from sectional dictation. Sorrowing for the mistake which she had committed in sacrificing her independence at the altar of her patriotism, she would unfurl again the banner of the "lone star" to the breeze, and re-enter upon a national career, where, if no glory awaited her, she would at least be free from a subjection by might to wrong and shame. But I will dismiss such thoughts from my mind, and indulge in their stead the pleasing belief that the Federal Constitution, the Constitution of our fathers, the Constitution of compromise between conflicting interests, will ever be found potent enough to overpower the most formidable sectional opposition which may be advanced against its provisions. Beyond it, there would be but little left worth living for.

In conclusion, I trust, sir, that you will pass the resolution which I now send to the Secretary. Of the form of the protectorate I have said comparatively nothing. It will be for the committee, if ordered, to decide upon that, with such lights as may be placed before it. I have no preferences on the subject. It may assimilate to that of Great Britain over the Ionian Isles, or be entirely original in its character. No advantages in trade intercourse ought to be claimed by us which should not become common to other countries, and no more authority exercised than would be indispensable to secure obedience to salutary law.

I send to the Chair a preamble and resolution as a substitute for that which I before offered. I ask that it be read. The Clerk read as follows:

Whereas the events connected with the numerous efforts of the people of Mexico to establish upon a liable basis an orderly system of self-government have invariably resulted in complete failure; and whereas the condition of Mexico is such as to excite alarming apprehensions that she may precipitate herself into a wild condition of anarchy, and the more so as she has demonstrated from time to time her utter inability to suppress intestine commotions, and to conquer the hordes of bandits by which she was infested; and whereas the United States of America, on account of the continental policy which they cherish and desire to enforce, can never permit Mexico to be resubjugated by Spain, or placed under the dominion of any foreign Power; and whereas one of the most important duties devolving upon civilized governments is to exact from adjoining nations the observances of good neighborhood, thus shielding themselves against impending or even remote injury to their border security: Therefore—

"*Resolved*, That a select committee of seven be raised to inquire and report to the Senate whether or not it is expedient for the Government of the United States of America to declare and maintain a protectorate over the so-called Republic of Mexico, in such form and to such extent as shall be necessary to secure to this Union good neighborhood, and to the people of said country the benefits of orderly and well-regulated republican government."

Mr. HUNTER. I call now for the special order.

Mr. HOUSTON. I move the adoption of the resolution.

Mr. HUNTER. I gave way for the Senator to make a speech.

Mr. HOUSTON. It will not take a moment, I hope.

Mr. SEWARD. I move that it lie on the table and be printed.

The motion was agreed to.

Printed by Lemuel Towers.

PROCEEDINGS OF THE JOINT CONVENTION

OF THE

NEVADA LEGISLATURE,

HELD ON

JANUARY 22d, 1873.

ALSO, THE

ADDRESS OF SENATOR JOHN P. JONES,

THEN DELIVERED.

CARSON CITY:
CHARLES A. V. PUTNAM, STATE PRINTER.
1873.

Compliments
INV. 1896.

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Ordered printed by Concurrent Resolution, by unanimous vote, in both Houses.

PROCEEDINGS OF JOINT CONVENTION

AND

ADDRESS OF SENATOR J. P. JONES.

SENATE CONCURRENT RESOLUTION RELATIVE TO PRINTING PROCEEDINGS OF JOINT CONVENTION.

Resolved by the Senate, the Assembly concurring, That two thousand five hundred copies of the proceedings of the Senate and Assembly relating to the election of United States Senator, together with the remarks of the Hon. J. P. Jones before the Joint Convention of the two Houses, be printed in pamphlet form; one thousand copies for the use of the Senate, fifteen hundred copies for the use of the Assembly.

Passed the Senate January twenty-third, eighteen hundred and seventy-three. Ayes, 19; noes, 5.

T. A. WATERMAN,
Assistant Secretary.

Passed the Assembly January twenty-third, eighteen hundred and seventy-three. Ayes, 43; noes, 2.

J. M. WOODWORTH,
Assistant Clerk.

[*Extract from Journal of Senate.*]

IN SENATE—SIXTEENTH DAY.

CARSON CITY, January 21st, 1873.

Senate met at eleven o'clock, pursuant to adjournment.
President in the chair.

Roll called, and full Senate present.
Mr. Stevenson offered the following

RESOLUTION.

WHEREAS: An Act of Congress entitled an Act to regulate the time and manner of holding elections of United States Senators in Congress, approved July, A. D. eighteen hundred and sixty-six, declares that each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress; therefore be it

Resolved, That the Senate do proceed to vote viva voce for an United States Senator, in accordance with the provisions of said Act, on to-day, at twelve o'clock M., to represent this State in the United States Senate.

Adopted.

At twelve o'clock M., the President announced that the time had arrived, according to the resolution adopted by the Senate, for the election of an United States Senator.

The Secretary of the Senate then read the law of Congress appertaining to the election of United States Senator.

Mr. Stevenson placed in nomination John P. Jones, of Storey County.

Mr. McClinton, of Esmeralda County, seconded the nomination.

Mr. Cassidy, of Lander County, nominated William W. McCoy, of Lander County.

Mr. Cleveland, of White Pine County, nominated Hon. Charles E. DeLong.

The roll was called, and the vote announced as follows:

For John P. Jones—Messrs. Campbell, Clapp, Crawford, Davenport, Eastman, Hazlett, Hobart, Lockwood, McClinton, Moore, Phelan, Small, Stevenson, Thompson, Varian, and Walter—16.

For W. W. McCoy—Messrs. Cassidy, Fox, Hill, Mills, McBeth, and Wilson—6.

For Charles E. DeLong—Mr. Cleveland—1.

For Robert McBeth—Mr. McCoy—1.

Adjourned.

FRANK DENVER, President.

Attest: CHARLES F. BICKNELL,
Secretary of the Senate.

[*Extract from Journal of the House.*]

By Mr. Crawford:

WHEREAS, An Act of Congress to regulate the time and manner of holding elections of United States Senators in Congress, approved July twenty-fifth, A. D. eighteen hundred and sixty-six, declares that each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress; therefore be it

Resolved, That the Assembly do proceed to vote viva voce for a United States Senator in accordance with the proivsions of said Act, at twelve

o'clock M. to-day, Tuesday, the twenty-first day of July, eighteen hundred and seventy-three.

Resolution adopted.

Twelve o'clock M., the Speaker announced that the hour had arrived for the special order, which was the election of a United States Senator, and that nominations were in order.

Mr. Morrison nominated Hon. J. P. Jones.

Mr. Owen seconded the nomination.

Mr. Shoaff nominated Major W. W. McCoy. The nomination was seconded by Mr. Street.

No further nominations being made, the Speaker declared nominations closed, and the roll being called, resulted as follows:

For J. P. Jones—Messrs. Adams, Andrews, Arnold, Brunner, Carpenter, Craig, Crawford, Dangberg, Derby, Drake, Elzy, Fox, Gallagher, Grey, Hart, Hoppin, Horton, Keyser, Lyman, Mack, McCall, Morrison, Owen, Prague, Price, Randall, Rickey, Robinson, Sessions, Shepperd, Smith, Stern, Stoddard, Tobriner, Twiss, Wilson, and Mr. Speaker—37.

For Major W. W. McCoy—Messrs. Allen, Burgess, Cole, Lemmon, Matthews, Sanford, Savage, Shoaff, Street, Vinnedge, and Wallace—11.

Under the provisions of the Act of Congress in relation to the election of United States Senator the vote was not announced.

On motion of Mr. Grey, at twelve o'clock and fifteen minutes P. M, the House adjourned.

IN JOINT CONVENTION.

At twelve o'clock M., January twenty-second, eighteen hundred and seventy-three, the Senate and Assembly met in Joint Convention in pursuance with the law of Congress, and were called to order by Hon. Frank Denver, President of the Senate.

The rolls of the Senate and Assembly were called by the Secretary and Clerk of each House respectively.

All members present.

The President announced that the object for which they were assembled was to declare the action of each House had on the preceding day in regard to the election of a United States Senator.

The Journal of each House appertaining to the election of Senator was then read by the Secretary of the Senate and Clerk of the Assembly respectively, and it appearing from the Journals of the two Houses that a majority of the votes of each House had been cast for John P. Jones, the President then declared John P. Jones duly elected United States Senator from the State of Nevada, for the term of six years from the fourth day of March next, to succeed the Hon. James W. Nye.

Mr. Lockwood offered the following resolution:

Resolved, That a committee of five, two from the Senate and three from the Assembly, be appointed by the President and Speaker to wait upon the Hon. John P. Jones and inform him of his election to the office of United States Senator for the State of Nevada.

Adopted.

The President appointed as such committee on the part of the Senate Messrs. Lockwood and McCoy.

The Speaker of the Assembly appointed as such committee on the part of the House, Messrs. Morrison, Sessions, and Crawford.

The committee appointed to wait upon the Hon. J. P. Jones in accordance with the above resolution, presented that gentleman to the Joint Convention, who addressed them at length, after which the President declared the Convention adjourned sine die.

FRANK DENVER,
President of Senate.
JOHN BOWMAN,
Speaker of Assembly.

CHARLES F. BICKNELL,
Secretary of Senate.
A. WHITFORD,
Clerk of Assembly.

ADDRESS OF SENATOR JOHN P. JONES.

In coming before the Joint Convention, Mr. Jones delivered the following address:

Mr. President and Gentlemen of the Senate and Assembly:

It is with no ordinary emotions that in response to your most flattering call I appear before you. My nature would be cold, indeed, did I not feel an honest, even an exultant, pride in the result of the canvass for United States Senator, which has culminated in this honorable Legislature choosing me to represent this young and enterprising commonwealth in that high capacity. I am grateful, beyond the power of expression, for the honor I have received at your hands. In poverty of utterance I can only say that I thank you most sincerely for this distinguished token of your favor and trust; and through you I desire to extend my grateful acknowledgments to our common constituency, the people of Nevada, whose friendly and earnest wishes I believe have found faithful expression through your votes and voices to-day. It would be affectation in me to deny that I have sought and coveted this honor. The ambition was laudable, I trust, which impelled me to aspire to it; but I should be guilty of disingenuousness did I not confess that the popular response to my appeal, and the bestowal of the honor by you, have been cordial and generous beyond my expectation or deserving. I can find no terms to adequately acknowledge such superfluity of favor. My gratitude can only indulge in a repetition of thanks.

The position to which you have elevated me is one of grave responsibility and almost perilous exaltedness. The great men of the nation have woven around it a spell of genius, eloquence, and grandeur, till, like an Olympus, it has seemed a sacred theatre of the gods, toward whose cloud-capped glories the mortal gaze might be reverently lifted, but to whose lofty height no ordinary mortal should ever climb. I discard the myth, and approach it as a place where honest purpose, common sense, unflinching courage, and average abilities will be crowned with a just degree of success. Conscious, as I am, of a lack of those commanding talents and that high mental discipline and culture so earnestly to be desired, I yet accept your trust, not without faith in my endowments and acquirements, with confidence in my courage, integrity, assiduity, and purpose, and with reliance upon my thorough susceptibility to the impulses and impressions which sway the masses and gravitate forever toward the general good.

I might with propriety conclude here, without further trespassing upon your time and patience; but I feel that justice to you, to the people of Nevada, and to myself, demands that something additional should be said, for which I can conceive no more fitting opportunity than the present. And in order that my plain, earnest meaning may not be warped or misinterpreted through errors of extemporaneous speech or by garbled reports, I have committed my remarks to writing, that they may serve as an authentic record of my sentiments and declarations, to whose truth I solemnly subscribe to-day, and to whose authority I hold myself amenable. It has been charged by a portion of the press, and whispered about with the deprecating hypocrisy of scandal, till the very air has become poisoned with the falsehood, that the recent campaign in this State was a corrupt and profligate one. It has been charged that I have resorted to vile and reprehensible practices in furtherance of selfish designs; that the people bargained away their political principles and preferences for less than a mendicant's pittance; that you are the natural spawn of this unlawful commerce, and have slavishly set the seal upon a dishonorable compact. I blush while I repeat the shameless slanders with which wantonness has filled the atmosphere, and which have already found currency in a portion of the press east of the Rocky Mountains, to the scandal of the State and the reproach of its citizens. I have not suffered my peace to be disquieted by these malevolent voices, which float about as busy and anonymous as the whisperings of the wind. I stand too firmly poised on the basis of a reproachless conscience and the rectitude of my aims, acts, and purposes, for such assaults to disturb my equanimity; and I have been silent amid this storm of misrepresentation, falsehood, and calumny, knowing that if my character and actions did not vindicate me at the bar of intelligent public opinion, I should find but poor remedy in protests, replications, and rejoinders. But the vindication which slander could not have wrung from me on personal account, I feel to be due to you and to the people of Nevada who have suffered aspersion through your generosity to me. I deny that the recent canvass was corrupt or profligate beyond what might be as justly charged against any and every political campaign, whether municipal, State, or national, within my memory. Money was used, it is true; but generally, so far as I know, by the Central Committees of the various counties, and legitimately in the interest of the Republican party, and in presenting clearly to all the true issues involved in the campaign. There has not an election gone by since our existence as a nation that has not witnessed and sanctioned its like use. They who inveigh against political expenditure of this character simply decry the inevitable, and incur more than suspicion of their candor or intelligence. In the present instance, the outcry emanates from those who invested their money in political venture and encountered defeat, and are now mistaking the pangs of disappointed hopes and ambitions for virtuous emotions and honest purposes. Corruption is no necessary corollary to the use of money. A sum as vast as our national debt might be disbursed, and no one be corrupted. The mere disbursement of money is blameless in itself. The purpose, intent, and effect must constitute the offense, if any there be. And I deny, so far as these charges have been connected with my name, that I have ever sought to corrupt a single voter, or that I have ever exacted, or sought to exact, or even asked, a pledge of political support from any member of this honorable Legislature, or that I have ever exacted or asked a pledge of political support from any man, living or dead, in return for any consid-

eration whatever, other than my promises, made in public and in private, that I would, if elected, faithfully represent the people, and that each and every vote cast by me in the Senate of the United States would be for the general good—untainted by venality and unstained by selfish or personal considerations. The pretense or insinuation, then, that your election, or the election of any of you, was brought about by corrupt influences, or that, being elected, your votes for Senator were influenced by rewards or promises of reward, is an insult to the integrity of the honest yeomanry of Nevada, and an outrage of the grossest character upon the honorable and high-minded gentlemen who represent them and their wishes in the Legislature. Those charges or insinuations are the suggestions of dishonest and disappointed men, made through the impersonality of certain disreputable newspapers in this and a neighboring State. A truthful, pure, independent, and honorable newspaper is a necessity to modern civilization. Its true mission is high, noble, and ennobling. It is the brave vindicator of the rights of the people—their daily monitor, their intelligent advocate, their leader, protector, and guide, unpurchased and unpurchasable; but the venal, licentious, cowardly, libelous, and sneaking "interviewing" sheet, which battens upon the abominations of its own creation, and waxes fat upon the indecencies which its vile imagination conjures up to defame the just, and which, for sordid motives, panders to the depraved taste of the vicious, is a sore upon the body politic which sooner or later will have to be removed by the scalpel. I believe the verdict of the people at the late election to have been the most spontaneous expression of their sentiments ever given in Nevada. While I have the honest satisfaction of being able to look every citizen of the State boldly in the eye, with the consciousness of never having attempted to degrade his citizenship, question his integrity, or insult his honor, I readily acknowledge that money was used in the campaign—but not corruptly. It was used legitimately and rightfully. The popular espousal of my candidature alienated men and institutions of wealth, power, and influence, who had theretofore been generous patrons of the Republican party, and checked numerous sources of supply and turned them into channels which flowed into and filled the exchequer of the opposition. These powerful influences encouraged and promoted discord within the organization; there was peril without; there were craft, intimidation, and treachery on every hand, endangering alike the success of the party and the interests of the community.

If, through party and personal zeal, I volunteered to stand in the breach caused by the desertion of others, and bear the brunt of the fight and the heat and burden of the day, I trust, while I arrogate to myself no virtue for so doing, that others will not impute it to me as a crime. And, in this connection, it is a notable and noticeable fact that it is not charged that any of the money said to have been used was furnished by either men or corporations who now ask, or who are likely to ask, special legislation or favors at the hands of the National Congress.

It is said that money was the corner stone of my candidature. The charge is false. Had I felt that my aspirations rested on no better or firmer foundation than that, or that I possessed no other claim or qualification to represent Nevada in the Senate of the nation, I should never have contended for the honor, though my riches were incalculable. Let him who imagines the popular disposal of that dignity a mere matter of

bargain and sale go and scatter broadcast his pieces from the Wasatch to the Sierras; let him heap up his bribes till the Great Basin shall overflow; and, my life upon the issue, his gold cannot so innoculate the virtue of the people of our State that a single county will return a delegation to do homage to his presumption. My aspirations rested upon a not unnatural faith in my abilities and a confident belief, which almost amounted to knowledge, that I shared with the masses their hopes, fears, inspirations, and convictions. I felt in my breast the prompting of emotions which an unerring instinct told me agitated the bosom of the whole community; and it is to the uprising and outpouring of those tides of popular feeling alone that I ascribe the sweeping victory achieved at the ballot-box. They who saw in the late election nothing but the influence of money, or the caprice of public sentiment, misapprehended the moral of the campaign. The action of the people was neither sordid nor capricious. The surface of events vibrated and undulated in conformity with the earnest pulsations of the great heart beneath. It was the first low groundswell of an approaching political tempest whose tumultuous billows within the current century shall lash this continent to its uttermost confines. We live in the noonday of the ages; we are passing through the torrid zone of time, surrounded by the whirl and rush of mighty political cyclones. The new order of things crowds impatiently upon the footsteps of the old. Standing on the receding skirts of the giant rebellion of history, we encounter the front of a revolution no less colossal. Not one, thank God! to be wrought out by the red hand of slaughter. No embittered sections are about to yawn apart and form a chasm only to be closed by the nation's best blood and treasure. No feud of color is about to seek agreement in one common crimson; no sect is about to proclaim the gospel of the cannon; no caste to invoke Sir Sword as arbiter. But the people throughout the length and breadth of the land, irrespective of race, creed, or condition, are about to reassert, in a broader sense, the declaration that governments derive their just powers only from the consent of the governed, and that all men are created equal, and demand fulfillment of the spirit as well as the letter of the declaration. The one great irrepressible conflict that has sounded no truce during the ages, and which will never beat a retreat until victory is won, is that of popular rights against usurped and unjust authority—the cause of the people against tyrannical power. Its enemies have overcome it; its champions have abandoned it; its friends have disgraced and endangered it by horrible saturnalia; its votaries in hecatombs have trod the narrow plank to the scaffold, languished and starved in dungeons, and perished in exile; its soldiers have, with despairing energy, thrown their naked breasts upon the serried bayonets of their foe; in disaster and defeat its banners have trailed in the dust. But, defeated, betrayed, and bowed in shame, it has never disbanded its forces nor surrendered the principles for which it fought. Its citadel is the unconquerable soul of man; the cradles of human intelligence are its arsenals; its muster rolls embrace the masses of mankind. From generation to generation, from century to century, it has struggled on through triumph and defeat, advancing with an everlasting persistency toward a complete and final victory. Its trophies are the glories of the age. It has torn the badge of serfdom from sixty millions of people in Russia, and placed them on the high plane of manhood and citizenship; it has modified the rigor of imperial sway in Germany; it has guaranteed civil and religious liberty to Italy; though provoking inevitable reaction by the excesses of the

revolution and the Commune, it has broken forever the rod of aristocratic dominion in France—not even the magic name of Napoleon shall ever again cause the tri-color to float over an empire; it has driven Cæsarism from the face of Europe, and its imperial champion to exile and death; in England its progress has been sure and steady from the time it dealt the first signal blow to the prerogative at Runnymede to the latest concession to "the green island which hangs at the belt of Britain," and the latest extension of the elective franchise; it has, within our own time, crossed the Pyrenees into slumbering Spain and driven one monarch into exile, and now menacingly crowds around the throne of her successor. The ancient empire of caste and oppression shall be subverted, despite the opposition of dynasties, the weight of empires, and the craft of kings. The fiat has gone forth; the handwriting is on the wall; no power shall stay its irresistible onward course. It shall march on from victory to victory, with dauntless front and stately step, until its grand idea shall be crystalized into universal law—that it is the prerogative of the people to rule, and that freedom and equality are the birthright of mankind.

In our own country its theories were made the fundamental principles of government. "We, the people of the United States," so runs the national ordinance, "in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." The sovereign authority still rests with "We, the people." All legislative, executive, and judicial power is only delegated, to be regathered into the hands that granted it whenever the people shall consider their trust abused. And it is a general awakening to the conviction that the spirit, if not the letter of our national charter is being violated, that is arousing the people to the necessity of reasserting their sovereign authority. The alarming abuses are not executive usurpations, legislative encroachments, nor judicial servility, affecting the life and liberty of the citizen. Such outrages would find a speedy and complete redress at the hands of forty millions of freemen. But the personal freedom and security of the citizen may be respected, and yet his rights be grievously violated. Into our Government, wearing the broad phylactery of constitutional sanctity, and bearing the impenetrable shield of legality, have crept practices which, though constitutional, are not right, and though legal, are not just. The power of money—the power of leagued and corporate wealth, confederated under legal forms for purposes of public plunder and self-aggrandizement—has arrayed itself in antagonism to the rights and welfare of the people, has gained a dangerous influence in governmental matters, and is arbitrarily exercising its control over nearly all the material interests of the country. The public domain—the freehold of the people—is lavishly given over to grasping corporations. The public treasure—the common property of all—is donated them in more than princely subsidies. By charters, framed to their bidding, they are empowered to extort, monopolize, and discriminate at will. Their grasp is upon every community, restricting the healthful currents of trade, paralyzing the free action of industry, and thwarting the popular will in the choice of representatives. Is it to be wondered that such a state of affairs should excite the alarm, indignation, and resentment of a people, every one of whom believes that he has an equal interest in the common wealth, an equal claim to its consideration, and an equal right to pursue his avocations unmolested, and to make his political choice heard? The farmer,

who from his scanty savings pays for his modest quarter section of land, fails to discover a just reason why a thousand times as much of the public domain should be gratuitously ceded to men a thousandfold more able to pay for it; the humble taxpayer, who year after year gives over to the Government the tithes of his earnings without hope of any other return than protection to his person and property, fails to discover a just reason why his hard-earned dollars should be taken from the public treasury and given in subsidy to men whose wealth is almost fabulous compared to his own; the tradesman, mechanic, and laborer can discover no just reason why Government should empower men to discriminate against them—the masses no just reason why their voice in the election of representatives should be overruled by a wealth and power unjustly wrung from themselves. These injustices were not foreseen nor contemplated when our Government was ordained, and will not be endured by a people having the power to rectify them and deserving to be free. In the grim presence of the rebellion, when every nerve and sinew was strung to preserve the national life and unity, and during the subsequent years while the Government walked unsteadily over ground upturned by the fiery plowshare of revolution, the lesser evils were suffered to fester and ripen unheeded. But the time has now come to remedy them. I mistake the significance of the murmurs which I hear arising with ever increasing volume from every quarter of the republic—I impeach my heart of misinterpretation of the popular voice—if I do not discover in them the foresoundings of a solemn, universal declaration which shall reverberate throughout the commonwealth: We, the people, do ordain that the national soil and treasure shall not be squandered in subsidies, that the public land shall be donated to actual settlers only, and in limited quantities, and that the residue not so entered upon shall be held by us in trust as a legacy for those who may come after us; that the citizen be taxed for no purpose but protection to his person and property; that the channels of communication and highways of commerce shall be the property of the nation, in order that the distributing forces of the country, which are indispensable to the civilization of the age, and to the welfare, happiness, and prosperity of the people, shall not be concentered in the hands of the few, but that they may be practically as well as legally accessible to all, and free from any discriminations or partiality. In that declaration no voice will join more heartily than mine. No public servant will make that mandate more absolutely his rule of conduct than myself. As a Senator of the nation I will not vote for the appropriation of a dollar out of the public treasury, except for the maintenance of the public faith and credit, and for purely governmental purposes and the attainment of the objects for which this Government was created. I will not vote for a subsidy of land, money, bonds, or credit to either individuals or corporations. I will not vote for any hot-bed scheme for "the development of our resources," because I believe their development to be more healthful when made solely by private enterprise, under the all-sufficient stimulus of private interest; and I further believe that such propositions are not generally made for the public good, but in the interest of public plunderers. I will vote, if opportunity offer, for extending universal amnesty to all engaged in the late rebellion. In the plenitude of its power, the Government can afford to be magnanimous. I will vote for any bill to regulate, equalize, and reduce freights and fares on any and all roads (especially those built in whole or in part by Government subsidy) that shall seem to me just, equitable, and effectual. I

will vote for a reduction of the tariff on all articles now subject to its provisions until it shall reach the lowest possible point consistent with the public credit; and I believe that an immediate reduction thereof would increase rather than diminish the public revenue. Although I have not given the subject that attention its magnitude demands, which debars me from expressing a decided opinion upon it, yet my impressions are that the Government should, on equitable terms, acquire possession of the telegraph lines and control the telegraphic business of the country, incorporating it with the postal system. I will not at this time present any of the reasons of the political economists for voting as indicated on the propositions referred to. To act otherwise would, in my opinion, aid in destroying those great principles of equality and justice which inspired the Declaration of Independence, and are the only sure foundations of republican government.

I promised all this in the late canvass; but I am aware that unfriendly tongues have been busy in construing my pledges as the crafty springes of an ambitious demagogue, who fawns upon the people for their favor and repays their trust with wanton violation of his promises. If I were capable of such turpitude, I should be silent now. But here, with the coveted honor securely resting upon my brow—here, where even malice can impute to me no motive for dissimulation; here, where any promise that did not originate in an earnest purpose of fulfillment would be a gratuitous and voluntary perjury—I desire to reaffirm every pledge made by me during the campaign of irreconcilable hostility to the power and purposes of the monopolists and of unalterable fidelity to the interests of the people. I am impelled to do this in justice to the people and to avert false judgment of myself. It is a propensity of human nature to expect an immediate remedy for acknowledged evils; but by a law of necessity reforms are seldom able to keep pace with the popular desire. In the long journey through the wilderness which stretches between the house of bondage and the land of promise, the people are apt to murmur against the incapacity or treachery of those delegated to conduct the weary pilgrimage. It is impossible for me to specify more fully the measures I will support or oppose, because many of the questions with which I shall be called upon to deal yet sleep in the obscure lap of the future. But this I do know—and this is the assurance I would have my constituents hold patiently and undisturbed, however long I may sit in the National Capitol voiceless at the gate of absent opportunity—that whenever an issue arises in which the interests of the people rest in the one scale and aught that conflicts with them in the other, though riches and honors were heaped mountain high to reward my support of the anti-popular side, my voice and my vote shall be given for the cause of the people, though that voice be echoless and that vote alone. I trust I shall never forget that, as a Senator of the great republic, my paramount duty will be to aid in upholding and advancing the dignity, honor, and glory of our common country at home and abroad, that the national ensign may be honored and respected on every land and sea—not alone because it represents power, but because it is the emblem and standard of a grand civilization based upon freedom, justice, and equality. Next to this, I recognize the obligation to devote my undivided energies to the promotion of the material interests and prosperity of the State and people who have conferred upon me so much honor, and to whom I shall ever owe the most profound gratitude. Should I ever pursue a wrong course, through imper-

fect knowledge or a fault of judgment, I shall hasten to correct my error when it is proved such by better lights and a clearer vision. I will never persevere in the wrong to sustain a character for consistency.

With such a purpose I go forth to discharge the duties of the high office with which you have invested me. It is not unlikely that I may come short of your wishes through lack of ability, but I have no fear but my fidelity shall wear the badge of your approval. But, whatever achievements or failures await me—whether I shall render up my stewardship with your favor or disapprobation—I shall strive for high and honorable aims; I shall battle with all the ardor of my nature; I shall bear true allegiance to my sovereign masters—the people.

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SPEECHES

OF

HON. JOSEPH LANE, OF OREGON,

AND

HON. ISAAC I. STEVENS, OF WASHINGTON,

ON THE PAYMENT OF THE

OREGON AND WASHINGTON INDIAN WAR DEBT.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MAY 18, 1858.

WASHINGTON:
PRINTED BY LEMUEL TOWERS.
1858.

SPEECH

OF

HON. JOSEPH LANE, OF OREGON,

ON THE PAYMENT OF

THE OREGON AND WASHINGTON INDIAN WAR DEBT.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MAY 13, 1858.

The House being in Committee of the Whole on Territorial business, Hon. Wm. H. English in the Chair, and having under consideration a bill (H. R. No. 566) to refund to James Douglass, Governor of Vancouver's Island, the sum of $7,000 advanced by him to supply the volunteers of Washington Territory with clothing and blankets during the late Indian war in that Territory.

The bill directs the Secretary of the Treasury, out of any money in the treasury not otherwise appropriated, to pay to James Douglass, Governor of Vancouver's Island, $7,000, it being so much money advanced by him to the Hudson's Bay Company in payment of clothing and blankets furnished by the company to the volunteers of Washington Territory in 1855, upon the order of Isaac I. Stevens, Governor of the Territory of Washington, and upon a guarantee for the payment of the same by Douglass, and for which sum Isaac I. Stevens, as Governor, has executed his certificate of debt, payable when an appropriation should be made by Congress.

Mr. Lane. I move to amend the bill by adding the following as additional sections of the bill:

And be it further enacted, That there be, and hereby is, appropriated out of any money in the treasury not otherwise appropriated, whatever amount may be necessary to enable the Secretary of the Treasury to defray the expenses necessarily incurred by the territorial governments of Oregon and Washington in the suppression of Indian hostilities therein in the years 1855 and 1856, so far as the claims growing out of said war have been adjudicated by the commissioners appointed for that purpose, agreeably to the provisions of the eleventh section of the act of the 18th August, 1856, entitled "An act making appropriations for certain civil expenses of the Government, for the year ending 30th June, 1857," and have been reported to the War Department, by said commissioners, for payment.

And be it further enacted, That the amounts severally found due to the parties contained in the report of the said commissioners shall be paid to the said parties respectively, or their legal representatives, or to the assignees or attorneys, duly constituted and appointed, of said parties, anything in the act approved July 29, 1846, or in the act of February, 1853, to the contrary notwithstanding.

Mr. Washburne, of Illinois. I rise to a question of order. The amendment is a general bill, and is not in order to a private bill. There is a rule of the House which expressly provides that no bill shall be amended by a rider in this way.

Mr. LANE. If the gentleman will hear me he will not contend that this amendment is not strictly in order. The object of this bill is to provide for paying Governor Douglass for certain expenses incurred in the Indian war in Washington Territory. I am speaking to the question of order. The claim which Mr. Douglass has is for supplies furnished the troops who were acting against the Indians in the years 1855 and 1856. The expenses growing out of that war have been properly and legally adjudicated. This claim of Governor Douglass has been passed upon with all the other claims growing out of the war; but this is the only item for which provision is made. The amendment which I offer is for the same purpose precisely.

Mr. WASHBURNE, of Illinois. I desire to hear my friend on the point of order; not on the merits of the case.

Mr. LANE. I am showing that this is one item of a series of claims growing out of this war, and that these claims have been adjudicated by a board of commissioners. The amendment is in relation to the same subject-matter as the original bill.

Mr. KUNKEL, of Pennsylvania. I would like to suggest to the gentleman from Oregon, and to the Chair, that the explanation of the gentleman does not bring the amendment within the rule. The one is a private bill, and the other is a general bill; and although both may relate to the same subject-matter, the amendment, nevertheless, is out of order.

Mr. LANE. This bill is one item of the expenses of that war. There are probably five or six thousand claims growing out of the same war; and I want to call the attention of the committee to the law of Congress under which these claims have been recognized:

"That the Secretary of War be directed to examine into the amount of expenses necessarily incurred in the suppression of Indian hostilities in the late Indian war in Oregon and Washington, by the territorial governments of said Territories, for the maintenance of the volunteer forces engaged in said war, including pay of volunteers; and that he may, if in his judgment it be necessary, direct a commission of three to proceed to ascertain and report to him all expenses incurred for purposes above specified."

Now, Mr. Chairman, under the provision of that law, the Secretary of War appointed a commission of three persons to assemble in the Territories of Oregon and Washington, and ascertain the expenses necessarily incurred. Congress made an appropriation of $12,000 to defray the expenses of that commission. It was constituted of two army officers and one citizen. It assembled at Fort Vancouver, and was in session twelve months.

Mr. KUNKEL, of Pennsylvania. There is a question of order pending. I ask that it be decided.

The CHAIRMAN. The gentleman from Oregon has a right to appeal, and to debate the appeal.

Mr. KUNKEL, of Pennsylvania. Is he debating the appeal?

The CHAIRMAN. The Chair is not able to tell what application the gentleman from Oregon proposes to make of his remarks.

Mr. KUNKEL, of Pennsylvania. There was no appeal taken; it is simply a question of order.

Mr. GREENWOOD. The gentleman from Oregon has a right to discuss the question of order, debate not being closed on the bill.

The CHAIRMAN. The Chair is not without doubt as to whether this amendment is in order, but he is under the impression that it is not in order. The bill itself is a private bill, for the relief of James Douglass. The amendment proposed by the gentleman from Oregon seems to be a general, bill applicable to a whole class of cases. The impression of the Chair is that the amendment is not in order, and the Chair so rules.

Mr. LETCHER. Has not the gentleman from Oregon a right to speak on the original bill?

The CHAIRMAN. He has.

Mr. LANE. I want to show how this bill for the relief of Mr. Douglas comes up here, and I desire to call the attention of the committee now to the report of the Secretary of War on this subject. The Secretary of War examined the report of this commission, and says as follows:

"By a law passed the 18th day of August, 1856, a commission was directed to be appointed for the purpose of ascertaining the sum of money fairly due to the volunteers of Oregon and Washington Territories for their services in the Indian wars which threatened to lay waste those Territories. In compliance with this law, Captain Smith, of the first dragoons, Captain Rufus Ingalls, of the quartermaster's department, and La Fayette Grover, Esq., of Salem, Oregon, were appointed to examine the accounts and claims, and to make a report in conformity with the law, and upon the facts as they existed, so far, at least, as it was possible to ascertain them.

"These officers entered upon their duties on the 10th day of October, 1856, and seem to have labored with great assiduity and patience in discharge of them, until the 20th of October last, when they were brought to a close. I have examined this report very carefully, and conclude that, from the data they have adopted for their guide, as to the prices for stores and subsistence, and time of service rendered by the men, it is not probable a more just or accurate result could be attained than these gentlemen have arrived at. The amount ascertained to be due is a very large one, and Congress will have to make provision for its payment, if it is intended they shall be liquidated, of which I presume there can be no doubt."

Now, out of these claims adjudicated by this commission, we find due to Governor Douglass $7,000, and various other sums to various other individuals, who had rendered services and furnished supplies and transportation for the subsistence of the troops in the field—the whole amount reaching to between five and six million dollars. These expenses were all necessarily incurred, and the bill to pay Governor Douglass is right and just. But it is not more right and not more just than every other portion of these claims allowed by this commission. And why Governor Douglass should be singled out from the lot who have incurred expenses in defending the country against Indian hostilities, and the balance not mentioned, is a matter which I do not understand. But, be that as it may, I will let that matter rest with the committee who has charge of it. I have great confidence in that committee. I believe it will ultimately report in favor of paying all the expenses. But now is the proper time to do it—now is the time when this committee and this Congress should pass such a law as will provide for the payment of all the claims found due by that commission.

Now, sir, I think every gentleman here knows, (and I believe no gentleman will undertake to gainsay the fact,) that when the people of Oregon and Washington Territories were plunged into an Indian war, it was not by their own act, but by a combination of Indians, made so completely that they were able to commence hostilities at the extremes of each of those Territories on the same day. The progress of that war was so rapid, and

the scenes so bloody and terrible, that for a short time it was a matter of uncertainty in the minds of the people of these Territories whether the Indians would not be able to destroy the entire settlements of the two Territories.

In order that the committee may understand more fully the facts of the case, I call attention to the report of the special agent sent out there by the Government to inquire into the circumstances of the war, and into the action of that commission while it was in session.

Mr. J. Ross Browne, that special agent, spent months in the country, visited many of the Indian tribes, talked with them, saw the farmers on their plantations and at their homes, without letting the people there know the purpose for which he was among them. He dropped in, at Vancouver, on the commissioners, while they were adjusting this very claim of Mr. Douglass, and he saw the manner in which they discharged their duty.

Mr. SMITH, of Virginia. I beg to remind the gentleman that this is the last day for territorial business.

Mr. LANE. I am aware of that.

Mr. SMITH, of Virginia. This bill is cutting out other territorial business.

Mr. LANE. No, sir; I am the last man in the world to cut off any of the territorial business. This is the last bill but one or two upon the calendar.

I will now read a portion of Mr. J. Ross Browne's report. He says:

"I will not undertake to follow up the history of the war to a later period. Its peculiar features have been represented officially on both sides, and its progress and termination are matters of public record.

"Upon a careful perusal of all the dispatches, I find nothing to sustain the charge of speculation. No person can visit the Territories of Oregon and Washington, converse with the people, see them on their farms and at their daily labors, and consider their true interests, without coming to the conclusion that such a charge is absurd and monstrous. What could they hope to gain? Few of them had anything to spare upon which to base a speculation. A farmer is well off who has his fields fenced in, a few head of oxen, and three or four cows. If he got treble price for his stock, the sale, upon an unlimited credit, would have been a sacrifice to him. His farm must go to ruin. The interests of the settlers, of nearly every pursuit, are nearly identical. Their future prospects depend chiefly upon the prosperity of the country, the increase of emigration, enhancement in the value of property, security of life, opening of new facilities for the transportation of their products. All this was diametrically opposed to a war. No compensation that Government could make would atone for the murder of families, the stoppage of labor everywhere, the loss of time, the suspension of emigration, and the numerous evils resulting from this disastrous conflict.

"The commissioners at Vancouver have faithfully and impartially performed their duty. Whatever sum they may have decided upon in estimating this war debt, I hold that amount to be justly due, and trust that Congress will at once provide for its extinguishment."

That is signed by J. Ross Browne, special agent of the Government, sent out there by the order of the President, at the instance of the Secretary of the Interior, to examine into the facts connected with the war; to ascertain the causes of the war; the manner of the conduct of the war; and the extent of the expenses incurred in it. And, after a careful and impartial examination of the whole matter, he came to the conclusion which I have just read. His whole report shows that the people of Oregon and Washington were driven into a bloody war, unavoidably on their part, that threatened to lay waste the whole country, and wipe out all the settlements.

And I hazard nothing in saying that no portion of the American people has suffered so much in any Indian wars since our fathers landed on the American shores, as did the people of those Territories in that war. Gentlemen will remember that, during the progress of the war I was here attending to my duties; but during the last summer, I had an opportunity of traveling over the whole southern portion of Oregon, and of examining in person the extent of the Indian depredations. I found that every house for fifty miles on a road through a well-settled country had been laid in ashes. The houses and barns had been burned, and every man, woman, and child killed in the most cruel and barbarous manner, with the exception of one man, one woman, and one child.

At the time these depredations were committed by the Indians, there were large numbers of wagons, loaded with the produce of Oregon and Washington, traveling over that road to seek a market in California. They were met by the Indians, and every man and every animal was killed, and the wagons were burned. The mangled and mutilated remains of the men were taken up and buried, but the wayside was strewn for fifty miles with the bones of the animals. In a conversation I had with the Indians, in the presence of their agent, in relation to it, their great war chief, John, told me that he had labored for months to bring about a combination of all the tribes, so that they might commence the war at the same time, and destroy the entire settlements in both Territories; and so complete was their plan of organization, so complete was the combination, that, as I said in the opening of my remarks, they commenced the war at Puget sound on the same day of the month that they commenced it in the southern portion of Oregon Territory, six hundred miles distant; and the chief told me that he had labored hard to bring about the combination, and had sent his sons and his son-in-law to the Indians, in different portions of the country, for the purpose of making the combination and securing that concert of action which would enable him to carry out his purpose. He commenced his depredations in Oregon and Washington, as you will find by these reports, a month before the general hostilities broke out. Finally, he became uneasy himself, after killing a great many of our people, about his capacity to bring about a general war. He began to think that the whites would not resent the outrages and murders which he had committed, and that he could not bring about a general war. He went to the agent, after killing eighteen of our people at one time, and two men and a little boy shortly afterwards, and said to him: "What kind of warriors have you? They have no hearts; they are like squaws; we have killed your people (mentioning the places where they had been murdered) and yet no notice is taken of it; there is no war."

Well, on the 9th of October, the Indians passed along the road to which I have referred, and destroyed every particle of property for fifty miles. They then rushed into the settlements and burned houses and barns, killed hundreds of our cattle and many of our people. We are not here asking pay for these depredations. We have not asked a dollar of the Government for these spoliations. We only ask the Government to pay the troops who were forced into the service to defend the settlements against those outrages, and who, I may well say, suffered more in the field than any troops who have ever been engaged in any war in this country. My friend who represents the Territory of Washington will tell you that he fell in with a body of our troops in the mountains, east of the Columbia river, where they had been for weeks without tents, although the thermometer

stood at twenty-five degrees below zero a greater part of the time. They had thrown themselves between the settlements and the hostile Indians, and had subsisted upon horse-flesh, without bread, coffee, or salt, for weeks.

Mr. MAYNARD. I would inquire of the gentleman what amount of money will probably be necessary to supply the demands under his amendment?

Mr. LANE. I want to say to my friend that the whole of the claim rendered, including compensation for service and expenses incurred, as settled by the commissioners under this law, amounts to between five and six million dollars. It is just; and I have no doubt Congress will pay it.

Mr. STANTON. I wish to inquire of the gentleman what amount per day was allowed for the volunteers who served in that war?

Mr. LANE. I will answer the gentleman with a great deal of pleasure, though I am not going on to discuss this matter in detail. The price allowed by these commissioners was two dollars for each day's service for each man, and two dollars in addition if he rode his own horse, making four dollars per day for a man and horse. I will say, further, that if the gentleman will look over the letter of Colonel McMullin, now Governor of the Territory of Washington, a gentleman who stood in this House and watched the treasury as carefully as any man did—I say, if the gentleman will read that letter, he will find that Governor McMullin states that you cannot obtain the labor of a man short of $2 50 per day, and that even women get thirty dollars per month. And I will say that no man can obtain labor for any such price as these commissioners allowed to these volunteers.

I will say further, that no man can tell the sufferings which these volunteers underwent. Take, for instance, the conduct of the Polk county volunteers, who, in response to a requisition of the Governor of the Territory, marched to relieve Major Haller, who was surrounded by hostile Indians. The requisition reached them on Monday evening, and, on the next morning, one hundred and two men were in the saddle, and on the march to relieve this gallant officer and his little band of brave soldiers, who had been for some time surrounded by vastly superior numbers of blood-thirsty savages. Out of the one humdred and two Polk county men whom Major Armstrong marched to the relief of Major Haller, many never returned home, and many came back with fingers and toes frozen, maimed and crippled for life. Such was the conduct and suffering of other volunteer companies who responded to the call of our Governor. Thus did the people of Oregon rush to the rescue, not only of the settlements, but of the United States troops, surrounded by overwhelming numbers of hostile Indians. Not a dollar have they asked for spoliations; and the amount which the commissioners have allowed for the services of the volunteers, and the expenses incurred by them, will you refuse to pay? Major Armstrong has frequently informed me that his company was composed of farmers, most of whom had families, and were not only comfortable, but were worth, on an average, five thousand dollars. The gallant Captains Hembree and Bennett, and other officers, were among the number that never returned. Their families and friends were left to mourn their loss.

But, Mr. Chairman, to proceed with the horrors of this war. While in Oregon last summer, I took occasion to inquire of the chief, who was mainly instrumental in getting up this war, to learn the particulars of the fate of some of our people who disappeared in that war of 1855, and of

whom we had been able to learn nothing. When I suggested to the agent, in the council, that I proposed to inquire the fate of Mrs. Wagner, Mrs. Haynes, and others, he was inclined to think that it would raise the bitter feelings of the Indians, but said that we could make the inquiry. I told him that I had passed through the country where these people had lived, and that their friends were very anxious to learn their fate. We inquired in relation to Mrs. Wagner, who was a well educated and handsome woman from New York, who had lived long in the country, and spoke the Indian tongue fluently. She kept a public house by the roadside, and the good cheer which she always furnished made it a place where travelers delighted to stop. The Indians informed us that on the morning of the 9th of October they came in sight of the house, where they met some teamsters and packers, a portion of whom they murdered, destroying the wagons and cargoes, as well as the animals, while she was standing in the door. As soon as they had murdered the people outside, they came towards the house, which was strongly built of hewn logs, and had a heavy door, which fastened with cross bars. When she saw them running towards the house, she shut the door and dropped the bars to prevent their breaking in. They came to the door, and ordered her to come out, and bring out her little girl. She said "no." Her husband was absent—and, by the way, he was the only man on that road who escaped. They said that if she did not come out they would shoot her. She declined; and, after some deliberation, they determined to set the house on fire. The house was directly enveloped in flames; and the chief, who watched her through a little window, told us that he saw her go to the glass and arrange her hair, then take a seat in the middle of the room, fold her little girl in her arms, and wait calmly until the roof fell in, and they perished in the flames together. And the statement was confirmed by the people who found their remains lying together in the middle of the house.

The account of the atrocities perpetrated upon Mrs. Haynes are so horrible that I will not relate them.

These volunteers, sir, are the men who defended us against the Indians, who had declared their intention of murdering every white man, woman, and child in the Territory.

Mr. Chairman, the settlers of Oregon were encouraged to go there by the Government of the United States. Congress passed an act donating land to all who would go and settle in Oregon. Many responded to those inducements held out to go and settle there. They went at great sacrifice of comfort, and at great hazard. Many of them fell by the hand of the savage before they reached that far-off country. But while the Government thus held out inducements to the people to go there and settle, they neglected to take the precaution to extinguish the Indian title to the lands. That, however, was not the fault of the settlers; it was the fault of the Government. The people continued to be harassed by the Indians from the very commencement of the settlement up to the great war.

These expenses, Mr. Chairman, were incurred in good faith, and were necessary expenses in the prosecution of that war. And I leave it to this committee to say whether they shall be paid at the same time this good man, Governor Douglass—the wealthiest man in that section of country—is being paid. I have said that Mr. Douglass is the wealthiest man in that section of the country; he is, and has been for years, connected with the Hudson's Bay Company, and was largely interested in having the property of that company lying in Washington Territory protected. In that Territory

the company have stores, trading-posts, herds, and flocks, that were protected by our troops as effectually as were those of any of the settlers of Washington or Oregon. He is to be paid, while the citizens are left unprovided for. Their claims stand upon the same footing, and ought to be cared for alike. I say, while you provide for paying him, will you neglect the people who so nobly turned out to save the settlements of Oregon and Washington from the tomahawk and scalping-knife of the savages?

If I had known that I would have had an opportunity to make a speech here to-day, I would have brought with me, to read to the House, the memorial of Mr. Beason. He happened to be in our Territory at the time the war broke out, and in the book which he published on his return to New York, he said many hard things of the people of Washington and Oregon. Since then he has exercised his better judgment, and over his own signature he has memorialized Congress to pay the volunteers for service rendered and expense incurred in prosecuting the war against the Indians. None, save General Wool, (and to him I do not care now to refer,) who at first were opposed to the war, but have recanted that opinion. They have changed front on the matter, and all of them would now be glad to see the people of Washington and Oregon reimbursed. It is just that they should be paid; and in their name, and in their behalf, I beg that while you are providing for the claim of Governor Douglass, you will also provide for paying the people of Oregon and Washington for services rendered and expenses incurred. They are as worthy as he, and their claims as just and meritorious as his. His is a good claim, but equally so are theirs.

There are many things to which I could refer, if I had time, to show why it was that the people were compelled to take up arms against their savage foe, to endure hardships, to incur expense, and to peril their lives. The southern portion of Oregon is rich in gold; and millions of gold that comes to the Atlantic States as the product of California, is the yield of our Oregon mines. Our people are law-abiding, industrious, generous, and brave, and ought not to be neglected. The settlements are sparse, consequently helpless, and to a great extent dependent upon the good will of Congress for many things which they cannot afford themselves. Millions and millions of dollars which comes here as California gold, is, in reality, gold from Oregon, for the benefit of our friends in this portion of our country. It is not, therefore, an unimportant or valueless Territory. It is also rich in soil, and the climate is as salubrious and as healthful as any in the world.

Now, sir, from the time the settlements were commenced in the Rogue River valley, the Indians began their depredations upon the settlers; and from that time to the end of the late war they did not cease their course of rapine and murder. I have a statement, compiled under direction of the Legislative Assembly of Oregon, which shows that during the peace and before the breaking out of open war, the Indians had killed two hundred and forty-four whites. The people made no war, although there are none who will deny that there was full cause for war. Could more be borne by a Christian people?

I have noticed the action of Congress generally, and especially on appropriation bills, for many years, and find that whenever an appropriation bill is up, based upon estimates of the Departments, it is sure to pass. Congressional legislation is generally for the few. Nine-tenths of the legislation here is not for the many; the great mass of our citizens are not cared

for; but whenever there is a bill for the regular army, navy, waterworks, or for a wealthy man, there is very little difficulty in getting it through; but when the mass of the people have a just claim upon the Government they are held back, and justice is long delayed from them. Let an appropriation bill come here with the sanction of the Committee of Ways and Means, and members unite and pass it at once. The favorite argument is, "do not stop the wheels of Government." "Put it through." Not so with the bills for paying claims of the people against the Government. Their claims, if unpaid, will not stop the wheels of Government, and they remain neglected. This character of legislation seems not for the benefit of those who need it, and to whom justice would seem to demand that it should be given, but is extended to the wealthy man. We here have for years turned our faces against legislating upon just claims, which ought to be considered and acted on. We have allowed them to go over year after year; and in this case, if the same course be pursued, when these claimants shall get their four dollars a day, it will not be worth, to them, as much as one dollar would have been at the time the service was rendered. Delay is to enable the speculator to reap his harvest—to prey upon the vitals of our suffering people.

These claims ought to be paid, and paid now. They have been allowed by a board of sworn commissioners. Many of these people, who were comfortable and well to do before the war, have now, having lost their all, been compelled to go out to work by the day, while their wives and children have had to endure much hardship. It is for this House to say whether justice shall be meted out to them or be withheld; whether they shall or shall not be paid for services rendered and expenses incurred. Shall we provide for Governor Douglass, and leave the people of Oregon and Washton unprovided for? Shall we send away the needy and provide for the wealthy? I do not object to Governor Douglass; I object to the principle. His claim ought to be paid. I want now, and for all time, to enter my protest against this sort of legislation. I want one provided for as well as the other. I will not make any rash promises; but if I had it in my power, there should be no action upon any appropriation bill until this matter was considered and allowed. If Congress think the amount too small, let them increase it; but I do not ask them to increase, and I trust that they will not reduce the claims, but take them as allowed by the commissioners, two of whom were army officers, who are not more indulgent to the citizens than army officers ought to be. They were just, and are honorable, high-toned men, and what ought to be paid they have allowed, and nothing more.

Mr. J. Glancy Jones. I wish to say to my friend from Oregon that I did not vote to adjourn this House on the 7th of June next. Now, if members expect to get away on that day, they must set apart some time for the consideration and passage of the appropriation bills. If these bills are not passed, I will stand by my friend from Oregon to July or August next to transact the public business if the resolution for the adjournment be rescinded.

Mr. Cobb. I wish, just here, to give notice that I intend, on Monday next, to move to rescind that resolution.

Mr. Lane. I only want to say to the committee that Congress ought not to adjourn until they have transacted the business for which they have been sent here. I will not lecture the committee on that; it is not my

duty to do so; but it strikes me that Congress ought, before its adjournment, to transact the necessary business of the country. Why is it any more necessary to pass appropriation bills than it is to do justice to that portion of your defenceless fellow-citizens, away out west of the Rocky Mountains, who are scattered over a district of country so large, and so defenceless, that the savages can, at their pleasure, run in and tomahawk them? Ought their claim to be disregarded? Ought Congress to give them the cold shoulder? Ought gentlemen to say that the people of Oregon should not be paid for their services and expenditure in the defence of their settlements? If you continue to do so for a series of years, can you expect that the people of Oregon will always maintain their devotion to this Union? I know that the people of Oregon place themselves upon the Constitution, and are true to the interests of every portion of the Union. I have never seen the day—I shall never see it so long as I am an active man—when, if the Northern portion of this country were invaded, I would not rush quickly to the rescue, and help to expel the enemy, although that enemy might be composed of the combined forces of the world. And so I would act if the Southern portion of my country were invaded. My affections, as also the affections of the people of Oregon, rest upon the whole country, and will rest upon it for all time to come. And I ask you, ought you not, in your justice and wisdom, to take care of them as your people? Among the entire population of that Territory, we have none, save a very few, who are not American-born citizens—blood of your blood—and that few, Mr. Chairman, have already become American citizens. The country is settled up with citizens from every State in the Union—from Massachusetts, New York, North Carolina, Georgia, and every other portion. The citizens of Oregon are emphatically your people, and entitled to your protection. Will not this committee take care of them, as this bill proposes to take care of my worthy friend Mr. Douglass? Will the committee say we will pay the claim of this rich man, the property of whose subjects was defended by our troops, whose cattle and herds were defended, whose stores were protected, and not pay the citizens of the Territories, who hazarded everything for the public defence?

I will now yield the remainder of my time to my friend from Washington Territory, to give a history of that portion of the war that passed under his immediate observation.

SPEECH

OF

HON. ISAAC I. STEVENS, OF WASHINGTON,

ON THE PAYMENT OF

THE OREGON AND WASHINGTON INDIAN WAR DEBT.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, MAY 13, 1858.

Mr. LANE, of Oregon, having yelded the floor—

Mr. STEVENS, of Washington, said: It is not my intention, Mr. Chairman, at this time, to occupy more than ten minutes in discussing this bill. I will state first, in regard to it, that it proposes to reimburse Governor Douglass, of Vancouver Island, for supplies furnished by the Hudson's Bay Company, at Victoria, their post on that island. I am glad that such a bill has been brought before this committee to pay for supplies furnished by the people of a foreign jurisdiction to the suffering inhabitants of Oregon and Washington Territories, because I can, and every gentleman here can, refer to them as witnesses of the condition of our country at that time. I am glad to refer to the fact that Governor Douglass and myself are personal friends. We have often conferred in personal interviews and by letter, in relation to the measures requisite to defend the sparse population of that coast. And it is to me a heartfelt pleasure, on this floor, that I, as the executive of one of those Territories, have his emphatic testimony that the course taken in that Territory was the only course which could have protected those settlements, or which could have prevented their depopulation. And I thank God that this bill now before the committee gives me the opportunity to refer to this judgment, coming, as it does, from an entirely disinterested source.

Mr. Chairman, I will not trouble the committee by going back to the old troubles, and trials, and conflicts of judgment that have taken place in regard to this war. It is sufficient for me that I stand here on the rock of truth, and I defy any man to gainsay my statements. I go not now to the reports which speak of outrages of whites upon the Indians—which speak of that war having been forced upon us by the bad conduct of our people, and which accuse us of getting up that war for the purpose of speculation. When I went to that country, in 1853, Mr. Chairman, and traveled across the plains, I visited, on my way to Puget sound, nearly every Indian tribe from the mouth of the Yellow Stone to the Pacific ocean. When I saw the relations existing between the white man and the Indians, I was astonished.

I was astonished, for I was not a frontiersman. I had, up to that time, seen nothing of Indians, and but little of our frontier population. Still I had a prejudice that there was much of wrong in the relations between the two people; but I found that their relations were those of kindness and of good offices. And here, in proof of that, I will mention one fact. It is

known to gentlemen that I was the Indian superintendent, as well as the executive of Washington Territory. I had frequent complaints made by Indians that white men would not pay their debts; and the invariable course I pursued was simply to address a note to the settler, requesting him to settle the account, and it was done in every case brought to my notice, except in the case of a single person, who went off between two days, and who is not now in our Territory. We have got rid of him; and his acts, therefore, should not inure to the ill of the Territories of Washington or Oregon.

Mr. Chairman, the honorable gentleman from Oregon, whom I am proud to refer to here as my friend, has told you the simple facts in regard to the origin of that war. I was not in the settlements at the time, but was upon the head waters of the Missouri. The war came upon the people of the Territories like a thunderbolt. In our Territory there were not at that time two hundred private arms; and we were only able to obtain arms for three or four hundred men by borrowing them from the Decatur, and from the arsenal at Vancouver. I refer to this fact as conclusive proof, showing how utterly unprepared the people were for these Indian outbreaks.

I do not intend, sir, to go into any detailed account of this Indian war, but I propose to mention one or two striking and significant facts. The honorable gentleman from Oregon has referred to me as a witness in relation to the arduous services of the volunteers of Oregon in the interior. When I heard of the breaking out of the war, I went over to the settlements from the head waters of the Missouri as fast as broken down animals, and the difficulties of the road, would enable me to make my way. Coming through, it became my duty, in regard to the Indian tribes that had not broken into war, to meet them, and, as their father, being superintendent of Indian affairs, to endeavor to persuade them to continue peaceful. I met tribes numbering some seven thousand souls, and having nearly two thousand warriors, and those tribes maintained their fidelity throughout the war. From them I learned many of the causes of hostility, and of the unmitigated hostility of many of the Indian chiefs. When I met the Oregon volunteers on the field of Walla-Walla, you may be sure that there was a most cordial and hearty welcome between us. Sir, to those volunteers, under Heaven, I probably owe my life; for I had but a party of twenty-five men with me, and I had made up my mind to attempt to make my way to the settlements. It was the action of these Oregon volunteers, in protecting the settlements, that opened the way for me.

What might have been my fate in fighting seven hundred Indians with a band of twenty-five men, increased to fifty as I got near where the hostile Indians were, I do not know. But I conceived that it was my duty to get to my post, and do my best for the suffering people of whom I was the executive. Sir, I learned nothing of these volunteers till I was making arrangements to fight the hostile Indians. The volunteers met the Indians, defeated them in a signal battle that lasted four days, and drove them across the Snake river, thus opening the way for my party. I was with them for ten days. They consisted of the very flower of the population of Oregon, men of family, men of substance, who had taken arms in their hands in order to protect the people of the two Territories; and there they were on the cold ground, without tents, living on horse-flesh, and without proper clothing, the thermometer ranging as low as 27° below zero, and never, for five days, getting above zero. That is what the volunteers of

Oregon did, and I am thankful that I can say this for them as a witness in this high presence.

There are one or two other points to which I wish to allude briefly. During the whole of that war in the Territory of Washington, not a friendly Indian, or an Indian prisoner, was ever maltreated in the camp of the volunteers of Washington. I say this in the presence of all men; and if any one will rise and gainsay it, I shall ask for the proof. For six months the people of Washington had to live in block-houses; and yet, so obedient were the people to law, so proud of their country, doing such high homage to its spirit of humanity and justice, that during all that time the life of the Indian was sacred in the camp of the volunteers. Why, sir, there were nearly five thousand disaffected Indians, during all this time, on the reservation lying along the waters of the sound, and not a man ever went there to do them harm. I rejoice in being able to give this testimony, here in the presence of my countrymen, in regard to the conduct of the people of Washington. Do you wonder, sir, that it has caused to grow up in my heart the deepest and most devoted attachment to that people, who have held me up in their sustaining arms in my efforts to advance the public service, and who have, by their conduct, illustrated its dignity and humanity, and thus given a lesson to the country and to the world.

Mr. Chairman, I have said all that I desire to say at this time. I trust that the same measure of justice which the committee propose to deal out to Governor Douglass, will be dealt out to the people of the Territories of Washington and Oregon. The debt in all the cases rests upon the same foundation. Our people furnished supplies, and animals, and shipping, and rendered their own services, on the faith of the Government. Every obligation is made payable when an appropriation is made by Congress.

It is germane to my purpose to give one or two facts in reply to the grave charges which have been made against our people of furnishing supplies at exorbitant prices. Now, sir, I have a friend, living near Olympia, who sold a horse, to be used for the volunteer service. When asked the price of his horse, he replied, that his horse was worth sixty dollars cash; "but," said he, "to be used for the defence of our people, you shall have the horse for forty-five dollars scrip." And the horse was purchased for forty-five dollars. And, generally, for a considerable period on the sound, horses were furnished the territorial authorities, for scrip, twenty-five dollars cheaper than they were sold to the garrison at Fort Steilacoom for cash. At the close of this service these animals were sold at public sale, and brought from ten to fifty per cent. above the original cost. I recollect an instance of a mule captured, and which was rode by Captain Henniss at the battle of Grand Ronde. Captain Henniss rode the mule home to Olympia, a distance of nearly five hundred miles. He was desirous of owning the mule, and so he bid for it when it was put up at auction. But the animal was struck off at four hundred and seventy-five dollars to another man, and placed to the credit of the Government. Captain Henniss, who had been a captain of a company of volunteers for the whole war, a period of some ten months, was not able to bid in his own riding mule.

And now, sir, in reference to property captured from the Indians: it was never taken and kept by private individuals. Stringent orders were given that all property taken from the Indians should be accounted for as public property, and the orders were strictly carried out; certainly in the Territory of Washington, and, I believe, in Oregon.

Mr. Chairman, you can, from facts of this kind, learn something of the

character of the transactions of our people in this war. It was, most emphatically, a war for our protection, and for the existence of our settlements. And I am thankful that it is a war which has left so little sting behind between the Indians and the white settlers of the country. They have nearly assumed their old relations. It was not a work of supererogation. It was a work of toil, and watchfulness, and of constant exertion, to bring about the old relations between the whites and Indians, so that all animosity might die out, and a spirit of kindness and confidence prevail.

Mr. BRANCH. The committee have passed now some fifteen bills, and while I am willing that the remaining bills may be disposed of, if it can be done without debate, unless the question can be taken without further remark, I shall submit the motion that the committee rise.

Mr. FAULKNER. I desire to make one or two remarks before this bill is disposed of. The justice of this claim has not been controverted, nor has the propriety of its prompt payment been questioned by any gentleman who has so far addressed the committee. But the gentleman from Oregon (Mr. LANE) threw out a remark which certainly ought to be noticed by some member of the Committee on Military Affairs. He would seem to place us in the position of having singled out a claim due to a British subject, and to a man of wealth, while we are represented as forgetful of the demands of the humbler volunteers of Oregon and Washington. This remark does great injustice to the committee.

* * * * * * * *

Upon this state of facts, then made out clearly to our satisfaction, we did not hesitate to report the bill for his relief. It was a claim about which there could be no controversy. Its justice was universally conceded. We have not, as yet, had time to examine into the great mass of these claims which have been referred to us, and to which the Delegates from Oregon and Washington have alluded, but design to give them a fair and impartial investigation at the earliest moment. I have not, so far, expressed any opinion myself in regard to the validity of these claims against the Government, except that which incidentally fell from me in the discussion on the army bill, in which I expressed the opinion that the report of the board might be regarded as an award made under the authority and with the full sanction of the Government, and binding upon it. I incline to that opinion still; yet this is a point which I shall reserve for a more full examination of the cases, when taken up in the committee.

The bill was laid aside to be reported to the House, with the recommendation that it do pass.

SPEECH

25, 134

OF

HON. MILTON S. LATHAM,

DELIVERED AT NEVADA,

On Monday Evening, August 1st, 1859.

SACRAMENTO:
FROM THE "DAILY STANDARD" STEAM PRESSES.

SPEECH.

Pursuant to appointment, Mr. Latham addressed a large number of the citizens of Nevada on Monday night. The meeting was organized by the appointment of Henry Meredith, Esq., as Chairman, and a number of Vice Presidents and Secretaries.

Mr. Meredith, at eight o'clock, called the meeting to order, and stated the objects for which they had assembled. He then introduced Hon. Milton S. Latham, who came forward.

Friends and fellow-citizens: I am present to-night, in pursuance of my previous appointments, to perform a pleasant, and yet an unpleasant duty. I am here to speak of myself. One of the greatest and most eminent of our philosophers has said, "Know thyself;" and one still greater than he "Let another man praise thee, and not thine own lips." From the time of the commencement of the present canvass down to the present period, I have most studiously avoided any allusion which could be regarded by the most fastidious as of a personal character. I have spoken disrespectfully of no one. I went before the people as the nominee of the Democratic party, to advocate and present their principles and policy. The Opposition, it would seem to me, cannot trust to the strength of their own cause, but have commenced and continued a system of vituperation and personality truly without a parallel in the history of political warfare. I have been charged with most serious—with most grave offenses. You have read their indictments—you have listened to their accusations. I have waited calmly, patiently, confidently, and though I saw the storm gathering in all its fury, black and dark with venom, yet I stand to-night before you and the people of California, conscious in the rectitude and purity of my intentions. [Applause.]. A Senator of the United States—a representative of the sovereignty of the great State of California—saw fit, in this place, a few nights ago, before a large and respectable audience of the people of California, to make a charge against me, which, if true, would wipe me out of the consideration of all men of respectability and standing. He stated that during the Senatorial controversy of 1857, when he was elected Senator of the United States, the reason he saw fit to change his strength and influence from me to Senator Gwin, was because I was guilty of the disreputable act of procuring a friend to purloin a written pledge given by me to one of his friends, to support him for the post of Collector of San Francisco. Gentlemen, when he uttered that statement, he uttered an unqualified, an inexcusable and most infamous, damned lie. [Great applause.] He had not the manliness to tell you who that friend was. The gentleman referred to is here to-night; he is within the sound of my voice. He knows that what I am going to state in relation to this matter is the truth, and he is here to vindicate me in it. He has not been my political friend. Circumstances over which he had no control estranged him from me. In 1850 Judge Tilford rendered me a service, when I was in need of a friend, which I shall never forget. In 1855, when I was Collector of the port of San Francisco, Judge Tilford desired a nomination at the hands of the Democratic party for a seat in the Congress of the United States. Previous to making known to me his wishes, Mr. Scott, of Tuolumne, had requested that I would exercise what influence I could with my friends to secure him the nomination. He was my friend, and I unhesitatingly promised that I would do so. After that, when Judge Tilford stated to me that he wished to be nominated by that Convention, I frankly informed him that I had agreed to go for Mr. Scott, of Tuolumne. The contest was acrimonious and bitter. Mr. Scott was nominated. This naturally embittered the feelings of Mr. Tilford. I went, however, immediately to his friends and stated to them that whenever it was in my power to serve Judge Tilford in any manner, I would be most happy to do so, and so pledged myself; but in that contest my situation was such as I have described, and I was unable to aid him. Judge Tilford was satisfied with my explanation. When the political contest came up for a seat in the United States Senate, in the month of January, 1857, the position which Judge Tilford occupied was simply this: After the Presidential canvass of 1856 had closed, and I consented that my name should go before the Legislature for the position of United States Senator, Judge Tilford, of his own accord, came to me at my own house, stated the position which he occupied, and that he intended to give me his support as one of the Senators from San Francisco. There was, gentlemen, no pledge—no bargain between us. I thanked him as gratefully as I could. Six weeks or two months after that time, in a conversation I had with him, he asked me whether I expected to continue in the office I was then holding in

case I was not elected to the Senate of the United States. I emphatically told him that under no circumstances I expected to hold that position. He asked me if I would be willing to support him for it. I told him, without reservation, that I would be glad to support him for it—that I never had had it in my power, and that I would be proud to show to him my appreciation of his conduct towards me as early as 1850. Gentlemen, the contest opened with the opening of the Legislature of 1857. It was the most bitter contest that any State has ever seen where the question of a seat in the United States Senate was involved. There were two seats to be filled, and all the friends of the respective candidates were there. I have never, throughout the whole of my experience, I may add, witnessed such a bitter contest.. There were more influences brought to bear than it is possible to conceive, in political warfare, among the friends of the different aspirants. During the controversy, my enemies had surrounded Judge Tilford, and endeavored to make him believe that I intended to repudiate my agreement to support him for the collectorship of San Francisco, and that I would prove untrue and false to my pledges. Two days before the time when the caucus was to finally decide the question, Judge Tilford came into my room and stated to me the remarks which had been made in relation to my infidelity, and asked me whether I intended to stand firm to my own statements, made to him anterior to the opening of the Legislature. I reiterated my statements. I went still further; I told him if he wished it, that I would give him a written statement to the effect that he was my choice for that position. I gave it to him, and he went away, perfectly satisfied. Upon the Sunday night of the eleventh day of January, between the hours of nine and ten o'clock, if I recollect rightly, Judge Tilford came to my room in a very excited manner, and told me he had been making an examination of the papers in [illegible] bureau drawer and had missed the document I had given him. I told him that I knew nothing about it—that I did not know what had become of it, and that if by coming to me, he expected that I had anything to do with the removal thereof, he was greviously mistaken; but that at the same time I would be glad to give him a duplicate of it, or as many as he might desire. He expressed himself satisfied, and was about to leave the room, when I distinctly stated to him: "By your statement here, you have implicated a gentleman who occupies the position of a friend. You referred to Mr. Pindle, (he is not in the State now,) a native of your own State of Kentucky—by your statement you have implicated him as having been guilty of some act which would be unworthy of him as a man, and before you leave this room you must consent to allow me to send for Mr. Pindle, and state the whole of this affair to him." I then sent for Mr. Pindle. and stated in his presence what Judge Tilford had stated about the missing document, and that the suspicion of taking it rested upon him. The two left my room in company, Judge Tilford not having left the room from the time of his making his first statement to me, until the arrival of Mr. Pindle. They went in company to Judge Tilford's room, and locked the door. Mr. Pindle took a chair and sat by the door, and Judge Tilford made another search in his bureau, and found the document which he had missed. [Great applause.] Notwithstanding I have the most corroborative proof of this, the Opposition attempt to tell the people that even if Judge Tilford's declaration, which you have read, is true, that I had some instrumentality—seeing there was a difficulty—in replacing the document. The circumstances were just as I have detailed them to you, and you can judge if I had it in my power if I had the will to have done this. The contest passed over. I heard that a rumor had been circulated by my enemies, that I had been guilty of this act. During the same week I met Judge Tilford in San Francisco, and told him that I doubted not, at some future period in my political history, when all the facts connected with the affair were forgotten, or difficult of proof, the matter would be raked up, and would be presented in a distorted light. He asked me what I desired. I told him I wanted to get—as he might not be living when the accusation came—right then and there a written denial and refutation of the whole charge. He did so, and now I desire to read that document to you. [Applause.]

January 19, 1857.

DEAR LATHAM:—I regret that you attach so much importance to the report that you had taken, or caused to be taken from my room, your pledge to support me for Collector. You say that many of our mutual friends have heard the rumor. The circumstances out of which it originated are as follows: I missed the paper, in looking over the contents of my drawers, told you of the fact, together with my suspicions; whereupon, you immediately wrote and prepared me another pledge of the same purport with that I had missed. Before seeing you in the first place, and afterwards, before making a second search, I communicated the same suspicion to a number of persons. Your conduct at the interview between us removed any doubt; and if afterwards my doubts or suspicions were raised, it was owing to the influence or statements of some who are no friends to you. I am as well satisfied that you did not, directly or indirectly, take the paper in question from my room, as I am of my existence. I have seen our friend P—— C——, and freely acquitted him of all blame in the transaction—he is satisfied. If ever I hear these reports mentioned again, I will contradict them; upon this you may depend, and to its performance I pledge myself as a gentleman and brother Mason.

Yours, F. TILFORD.

Now, fellow-citizens, when Mr. Broderick made this accusation against me, I was in Trinity county, many miles from him. I had no opportunity, and did not communicate in any way with Judge Tilford. On the same day that I received the intelligence that this accusation had been brought against me, by Mr. Broderick, I had, also, gentlemen, the pleasure of reading the statement which Judge Tilford had agreed to make. He openly, frankly and honestly denied the whole of the charge to the people of California. I now proposeto read that card. It was published by Judge Tilford on the 20th of last month, immediately after Mr. Broderick had made this statement:

SAN FRANCISCO, July 20th, 1859.

EDITOR STANDARD:—In the report of Hon. D. C. Broderick's speech at Nevada, published in the Sacramento Union of the 19th inst., appears the following passage:

"Upon the eve of Latham's election, when there remained nothing to be done but to make up the official record of the vote which would elect him, a gentleman whose claims I favored for the post of Collector of the Port of San Francisco, came to me and said that Latham had sometime before given a written pledge promising to support him for the same position in the event of his (Latham's) election. But now, his election being considered certain, Mr. Latham had determined to support another individual, and in his anxiety to obtain possession of his written pledge, Latham had deputed a man to seek my friend's room and surreptitiously obtain possession of the letter containing that same written pledge. [Great laughter and shouting."]

As I am the *friend* referred to by Mr. Broderick, "my own honor, and justice to Mr. Latham require from me a candid and explicit statement of the transaction in question." A brief narration of my position towards Messrs. Broderick and Latham in the Senatorial contest of '57, may be necessary to a more thorough understanding of all the facts of the case. It is well known that I was an ardent and consistent friend of Mr. Broderick, and advocated his election to the position he now holds. As a member of the Legislature of '56 and '57, I had it in my power to render him efficient service. Among other matters referred to in repeated conversations between Mr. Broderick and myself, the disposition of the Federal patronage in this State, in the event of his success, and the selection of a suitable colleague for the Senate, were discussed. Mr. Broderick voluntarily proffered me his support for the Collectorship of San Francisco; this proffer was wholly unsolicited on my part, and when afterwards, (both prior and subsequent to his election,) I offered to release him from his voluntary promise, he declined the offer. Many weeks before the termination of the Senatorial contest, I informed Mr. Latham that he would receive my vote and support for one of the terms to be filled at the next session of the Legislature. This proceeding on my part caused Mr. Latham no little surprise, as our personal relations for months previous had not been of the friendliest character. I informed him of the fact that before making him this promise, I had consulted with Mr. Broderick, and that my object was to advance the interests of that gentleman, and, as I conceived, of the Democratic party. Shortly after this, and long prior to the meeting of the Legislature of '57, Messrs. Broderick and Latham had one or more interviews in the city of San Francisco, when, as I understand, Mr. Latham was informed that I was a candidate for the Collectorship. He agreed, if elected, to support me for the position, provided that my name should be presented by his colleague. Subsequently, and while in Sacramento, I received from Mr. Latham a letter renewing the statement he had made to Mr. Broderick, and this is the pledge to which the latter referred in his Nevada speech. To this document I attached no importance, and intended to return it to the writer. I had no secresy in relation to it, and spoke of it freely to several of my friends. On the evening of Monday, January 12th, 1857, Dr. Gwin received the nomination of the Democratic Caucus. At a late hour of the night previous, (to the best of my recollection,) I was looking over some papers in a bureau drawer, in my room at the Orleans Hotel, and then missed the letter in question. I immediately informed Mr. Broderick of the fact, as also Mr. Latham. The latter gentleman expressed his regret at the occurrence, and offered me another letter of the same purport. I then returned to my room, and having made another, and more thorough search, found the missing document. Mr. Broderick was promptly notified that it had been found and was in my possession. Being satisfied that Mr. Latham had acted with rectitude throughout the entire transaction, I assured him of my continued confidence, and gave him my vote in caucus to the last ballot. What induced Mr. Broderick to transfer his support from Mr. Latham to Dr. Gwin, it is not my business to determine. A short time before the final result, he apprised me of his intention to do so, and assigned certain reasons for his change of position in the Senatorial contest. Mr. Latham's pretended complicity in the fraud now alleged, was *not among the reasons then given.*

In conclusion, I have only further to state that Mr. Latham, after his defeat, and when under no obligation, gave me a written recommendation for the office of Collector. This act was generously and voluntarily done on his part. More than two years ago, having heard that there were some rumors in circulation prejudicial to Mr. Latham's reputation, and growing out of the transaction to which Mr. Broderick refers, I addressed a note to the former gentleman expressing my belief that his conduct towards me in the Senatorial contest, had been upright and honorable. I then waited upon Mr. Broderick, and assured him that the reports in question were false and unfounded.

The foregoing statement is made under the influence of no partisan feeling—with no desire to benefit or injure any person named in it; but simply from a sense of justice, and a conviction that it was due to Mr. Latham.

FRANK TILFORD.

Now then, fellow-citizens, you have before you the refutation of this charge brought against me by Mr. Broderick, in the unqualified denial of the gentleman himself, to whom the reference was made in the remarks submitted to you and the people of California. Mr. Broderick went still further and stated that while I had given a pledge of this kind to Judge Tilford, I had also given a pledge, or agreed (I don't recollect exactly the language) to support another of his friends for some office.

Gentlemen, I state to you that this is unqualifiedly false. I have not the slightest idea which is the friend to whom he refers. He may have referred to Mr. Lent, of San Francisco, who was the only gentleman, besides Judge Tilford, whose name was presented by Mr. Broderick for that position. In answer to that I have a letter from Mr. Lent himself, in which he gives a complete and final refutation of the whole matter. When I got to Marysville I addressed the following letter to Mr. Lent:

MARYSVILLE, July 26, 1859.

MY DEAR SIR:—In view of the present charges against me, I beg of you respectfully to write me if I ever promised to go for you for Collector of the port of San Francisco, or any other office.

Your attention to this will oblige

Your obedient servant,

MILTON S. LATHAM.

HON. WM. LENT, San Jose.

To that he has replied on the same sheet:

MILTON S. LATHAM, ESQ.—DEAR SIR:—Yours of the 26th inst. came only to hand this morning. In reply, I have only to say that, prior to the election and for some time afterwards, the office of Collector was never mentioned in any of our conversations, and your letter is the first intimation that ever came to my knowledge that the idea was ever entertained by any one that you had, in any way, ever promised me, or any of my friends for me, your support for the office of Collector of the port of San Francisco.

Very respectfully, yours, etc.,

WM. M. LENT.

That gentleman was the only one whose name was presented in connection with Judge Tilford to the Department at home for this office. I have heard it intimated that the person referred to by Mr. Broderick was Mr. Conness, of El Dorado, his candidate for Lieutenant-Governor, and a gentleman who has used his position before the peo-

ple to slander me. I never did, under any circumstances, promise to go for Mr. Conness for the Collectorship; but I did tell him that I had agreed to go for that office for Judge Tilford. If he makes a statement contrary to this, as I have heard it is his intention to do, I now assert that it will be an unqualified falsehood.

Now, then, one thing more. Mr. Broderick was not content yet. In his accusation he states that the reasons why he left me—why he induced his friends not to support me, but to support Dr. Gwin, was because of this act of mine, as charged by him, relative to the purloining of Judge Tilford's letter.

Now, fellow-citizens, I intend to-night to lay before you, as I had promised at Shasta, all the facts connected with the Senatorial contest. I mean to state them fully and explicitly.

Mr. Gwin was nominated on the night of the 12th of January, by the Democratic caucus. Upon the Sunday night preceding—the 11th January, 1857—I received three or four different messages that Mr. Broderick desired to see me at his own room, or some place convenient to both of us. The last message which was delivered to me was by Capt. John Nye. I may here remark that every man whose name I may now mention may call from the meeting, if present, and show that anything I say is incorrect if they can, or they may come out in the papers and prove wherein I am not correct. Capt. Nye, on the evening of Sunday the 11th of January, came to me and said that it was absolutely necessary that I should have an interview with Mr. Broderick, as the Senatorial controversy had gotten to that pitch, that, unless I came to some arrangement, under the circumstances, I was defeated. I told him that I was unwilling to go to the room of Mr. Broderick. He told me that I might go to the room of Mr. David Mahoney, on the side of the Magnolia next the alley. In that room Mr. Mahoney had been confined for some time by sickness. I told him that I would go there, that night, after most of my friends had retired. I did go between the hours of eleven and a half and half past one or two o'clock. The exact time I do not recollect. I went to Mr. Mahoney's room and stated what I came there for. He rang the bell; a servant came, and went to Mr. Broderick's room to notify him that I was ready to have the interview asked by him. I was then shown into a kind of sitting room, immediately contiguous to the one occupied by Mr. Mahoney. There was a light on the table. Paper and ink were also there. Mr. Broderick came in. I congratulated him on his election. I told him that he achieved a wonderful triumph. After we had passed mutual compliments in relation to the contest, which I will not weary your patience by reciting: "I understand, Latham," said Mr. Broderick, "you have been promising all the offices away, in order to secure for yourself strength." I was sitting on the side of a bed. There were two beds in the room, side by side, with a small space between. I sat on the side of the bed, while he was standing up. I told him that that was not true—that I had agreed to go for Judge Tilford for Collector —that I had also agreed to go for Mr. Crandall, of Amador, for Surveyor, and had promised Mr. Scott, who was my warm friend in the contest, to support Mr. Solomon, of Tuolumne, for Marshal of the United States. I also stated to him that these were all the offices—every single office in relation to which, in a certain degree, I was compromised. He then remarked, further, in a spirit, I thought at the time, of joking humor, that Judge Tilford, to whom I had given the pledge, had been making a great fuss about its loss. I told him distinctly that Judge Tilford had found the document—that Mr. Pindle went with him to his room and found it, where he thought he had missed it. The subject received no more consideration than what I have narrated to you. He then said: "I have got it in my power to make you a Senator of the United States." I said: "I would be very glad, indeed, Mr. Broderick, to have your support." He then turned, and, with a wave of his hand, standing up as he was, said: "If you will sit down and write a full relinquishment of all your rights to the Federal patronage of the Pacific coast, there will be no trouble about making you United States Senator." I got up from the side of the bed, where I was sitting, and told him that I would not do that thing to be emperor of all the Moguls. [Applause.] I told him that by such an act I would lose my own self-respect, and that I was satisfied he would have no respect for me if I did so. More than that, I told him if I went to the Senate of the United States, I wanted to go as his peer. I desired his support, but at the same time I wanted to go as his peer, and if he had an instrument of that kind in his pocket —that if he had such a check ready for me on all occasions, I would never feel comfortable. He said that I could not expect that he should fight my battles—his friends had been deprived of office for a long period—that up to this time they had been content, but that now it was right and proper that they should be remembered. I told him that was a correct and proper position on his part. I told him further, that with the exception of the offices I have named in your hearing, all the others he might take and have at his disposal. I told him that I would co-operate with him, and that I did not regard the subject of the Federal patronage so essential as to cause a dispute between us, occupying such positions as we did. He said that it was not satisfactory. I told him that he had the other alternative—to elect Mr. Gwin—and that if he did elect him, with the position he had in Washington, both social and political, he would be completely overshadowed. He got very much excited at this statement, and said he had no such apprehensions of Mr. Gwin as some people seemed to entertain. I told him that he had before that election expressed his hostility to Mr. Gwin, and that his present language was therefore altogether unaccountable. After a few more remarks, which I do not recollect, the conversation broke up, and Mr. Broderick went out, some one having tapped at the door, leaving me under the impression that he was coming back. He nev-

er did come back. I waited for him for four or five minutes and then went to Mr. Mahoney's room, and stated to him the conversation I have now told you. Mahoney said that the conditions were unjust, and ought not to have been imposed. I then went to my room and sent for my friends, Scott and Gen. Estill. Mr. Tilford could not be found. He had gone to bed. In their presence I detailed exactly the circumstances which I have stated to you to-night. Gen. Estill was at the time an intimate personal and political friend of Mr. Broderick, and his warm supporter in all his contest. Immediately after I had completed my statement, he stopped for a moment—and I can see him now as he then stood—looking at the floor, and then, raising his eyes, replied, "I am satisfied Mr. Broderick is about to consummate some arrangement with Mr. Gwin." I said I thought it impossible. He then said, "I shall see Mr. Broderick myself in relation to what you have stated to me to-night." With that he left me and went to see Mr. Broderick. I have got his statement of the circumstances, and will read it to you when I have got through with my recital. He came back in fifteen or twenty minutes, or a half an hour, and said he had seen Mr. Broderick, and that there was no mistake in regard to his propositions. He asked me whether I intended to stand up to what I had agreed to in the presence of Mr. Broderick. I told him "implicitly," with the exceptions named, and two of them were known to be political friends of Mr. Broderick, I was willing to concede to him all the patronage of the State. Gen. Estill then said "you had better agree to this in writing, if Mr. Broderick is willing to allow you to make the reservation." I stated to him that it was repugnant to my feelings, and that I was unwilling to sign any document of that character—that if my word was not sufficient, I did not wish to reduce it to writing. "Well," said he, "I will see Mr. Broderick again, and see what terms can be made." He went off, and I retired to bed. He came to my room about four o'clock in the morning, woke me up from my sleep, and said he had seen Mr. Broderick, and he demands an unconditional surrender of all the patronage of the Pacific coast. I told him then, what I have already stated to you—that I was unwilling to do any such thing. He then said, "Will you agree to reduce to writing your statement to me, and as also made to Mr. Broderick, that you are willing that he should have all the patronage except the three offices named." I repeated what I had before said. He said, "I will write the instrument myself so as to guard and protect your honor before the Legislature and the people." I told him that if he wrote the document and put in the terms as my friend, I would have no objection to sign it. He went off, and never returned to me till next morning about 10 o'clock—and said, "Mr. Broderick demands an unconditional surrender of all the patronage of the Pacific coast." "We then are beaten," I replied, "and I want you to go back to Mr. Broderick, and in order that the matter may be perfectly understood, tender to him my declination of all his propositions." He went off, and came back in a few minutes and told me that I was beaten, but that I should call together my friends and make a speech to them to preserve their courage—that a certain number of Mr. Broderick's friends had changed off to Mr. Gwin, and that I was inevitably defeated. I said, "Very well," I have now stated to you as far as my recollection goes, the interviews with Mr. Broderick. You are the judges as to whether the motives which caused him to change from me to Senator Gwin were such as he or I have stated to you. You are the judges as to whether the question of the Federal patronage, or the act alleged by him in relation to the Tilford letter, caused the change. And I will here state, in the presence of the God of Heaven—the Judge of the living as well as the dead—that I have told you, as I understand it, the truth, the whole truth, and nothing but the truth, so help me God and keep me steadfast therein. [Great applause.]

Now, fellow-citizens, I desire to read to you the statement of Gen. Estill, made during his lifetime, together with the affidavit showing how I came into the possession of it.:

NEVADA, Aug. 1, 1859.

Hon. MILTON S. LATHAM—SIR:—Having noticed in the papers, of this day, an extract from a speech made by Hon. D. C. Broderick, which alludes to the senatorial contest of '57, and having in my possession a document which I believe will place the matter in an entirely different light, I inclose you the same. I became possessed of this document in the following manner: A short time after the senatorial election, General James M. Estill, (at that time a member of the Assembly from Marin County,) was requested by mutual friends of Mr. Broderick and yourself to give a statement of the events which had occurred relative to the canvass. That statement he wrote in my presence, in his office, in San Francisco, and that is the document in his handwriting which I now send you. At his request, I made two copies of the same, enclosed and directed them, one to Hon. D. C. Broderick, and the other to yourself. Whether General Estill ever dispatched these or not, I cannot say. After I had made these copies, General Estill told me to keep the original, and within a few weeks gave me a number of other political papers. I send you this document, and make this statement, not because I have any personal feeling in the matter, but I believe that my duty as a Democrat, and a sense of justice, demand its publicity.

I am, Very Respectfully,
Your Obedient Servant,
WILL. HICKS GRAHAM.

STATE OF CALIFORNIA, } ss.
County of Nevada. }

On the first day of August, A. D., 1859, personally appeared before me, Will. Hicks Graham, who being duly sworn, deposes and says, that the statements contained in the foregoing letter are true and correct, of his own knowledge. WILL. HICKS GRAHAM.

Subscribed and sworn to before me, on the date above in this certificate written.

RUFUS SHOEMAKER,
Clerk of Nevada County.
Per JOSEPH ROBERTS, Jr. Deputy.

GEN. ESTILL'S MEM.

"In order to vindicate the truth of history," I make the following statement relative to the interviews and conversations which took place in my hearing, in Sacramento City, on the 11th and 12th of January, 1857, concerning the Senatorial canvass, then transpiring. On the night of the 11th, (Sunday,) Mr. Latham informed me he had just had an interview with Mr. Broderick, in

which Mr. B. demanded that he (Mr. L.) should surrender, in writing, all the patronage of the Pacific coast to Mr. Broderick and his friends, which he had declined. He furthermore said he had told Mr. B., in that conversation, that he had made a promise relative to the U. S. Marshalship to Mr. Scott, M. C.; that he had also promised his influence for two gentlemen for two other important offices, who were Mr. Broderick's friends, and whom he believed would be acceptable to Mr. Broderick. In any event, they should be subject to Mr. Broderick's approval. For one of these appointments, viz: Collector of the port of San Francisco, he had committed himself in writing, and he could not change it. The other, he felt sure, would be agreeable to Mr. B. Mr. Latham asked my advice, and requested me to give an opinion relative to the line of policy he should pursue undere th circumstances. I went at once to see Mr. Broderick. He repeated the circumstances and language of the interview in nearly that of Mr. Latham. He said, further, that Mr. Latham's friends were now in office, and many of them had been continued for years, whilst his own friends had been neglected. He also said Mr. L. had given a written pledge to Mr. Tilford, and he could see no reason why he could not give it to him. I went at once to Mr. Latham, and reported Mr. Broderick's language as well as I could recollect it. He asked me what he should do under the circumstances, and I inquired if he (Mr. L.) intended to abide strictly by the promises he had made Mr. Broderick, provided he was successful. He stated, "implicitly." I then advised him to accede to the request, and put it in writing, with all the qualifications he originally spoke of, telling him, at the same time, if it were done I would write it myself, and would, to the best of my ability, protect his honor in the transaction. To this he consented, and I sought an interview with Mr. Broderick. Mr. Broderick declined accepting anything but an unconditional surrender, when the interview terminated. I informed Mr. Latham of the facts, (whom I found in bed,) when he said: "It is well; perhaps it is best. I shall at least sleep sounder than I would to have appended my name to anything discreditable to myself, connected with this canvass;" and we separated. I called to see Mr. Latham in the morning, when I found him cheerful and happy. He said, promptly: "We are beaten, but we will die at least with harness on our backs." It was then agreed that I should go to Mr. Broderick and formally decline acceding to his proposition, and in such manner that there could be no mistake relative to the position he intended to hold in the canvass.

That, gentlemen, is the statement of General Estill, made by him during his lifetime.

Now, then, fellow-citizens, I submit to you the question as to whether the changing of his support from me to Mr. Gwin was in consequence of the letter which he alleged had been taken by a friend of mine from the possession of Judge Tilford, or whether it was only a cloak assumed by Mr. Broderick to secure absolute control of all the Federal patronage of the Pacific Coast. I say that that was the governing principle of Broderick in all the contest. I say, further, that when he burst out in the language of indignation as regards the separation by me of those friends from him who were dearer to him than life, that he presented a most wonderful picture of friendship to the people of this State. I have been taught that the position of Senator of the United States is one of the most exalted to which an American can aspire. He occupies a position as the peer of Presidents, as the peer of Emperors, as the peer of all those who control power and government throughout the world. It was in that body that some of the greatest deeds in the progress of mankind have been enacted. It was there that some of the first genius in our country has achieved its most enduring triumphs. It was there that Giles, and Pinckney, and Randolph, and Bayard shone, and it was there, at a later time, Buchanan, your President, Clay, Calhoun, Southard, and hundreds of others achieved the greatest victory of their lives, with the nation for spectators and the glory of their country as their reward. It is a body which may be compared with the English House of Commons, the Chamber of Deputies of France, or the *Patres Conscripti* of the ancient Republic of Rome. And yet this gentleman who approaches you with so much purity, before the ink was dry on the the parchment which gave him a right to a seat where Clay and the other bright luminaries of the nation sat—while yet the robes of office hung loosely and inappropriately from his shoulders—turns about, and in a manner that would suit a fish-monger in London, or a denizen of the Five Points in New York, to seek the spoils of office for his dear, dear friends. [Great applause.] I say, gentlemen, that this act—that his course as represented even by one of his own friends tonight, shows, that though he was a Senator, and had the robes of office on him, he no more came up to the standard of that office, than did Benedict Arnold come up to the standard of a patriot, though he was an officer and wore the uniform of an American General. [Applause.]

Fellow-citizens, I will dismiss that subject. I come now to another charge against me, in comparison with which, all I have stated, pales in insignificance. I have been charged by the Opposition press, with a vindictiveness and malevolence which shows the intensity of their personal hatred, with the crime of attempting to bribe the Supreme Court of your State. From the first time the matter was broached by my opponents, I have never responded. I have regarded it as so infamous; as betraying so much malevolence—so much of the keen vindictiveness which characterizes the opposition to me, as to be unworthy of my attention as a man and a citizen. This very silence has been construed by the Opposition press as an evidence of guilt. A more foul—a more infamous—a more outrageous slander and calumny was never perpetrated against the dead, as well as the living. [Applause.] I have not gone about the country seeking evidence to bolster up myself or my character. My enemies—men of integrity and character and honorable feelings, have, with a readiness creditable to them, come forward and voluntarily laid the proof at my feet, which I will now proceed to lay before you for the purpose of demonstrating that this is the foullest and most infamous assault that has ever been committed against a man. [Great Applause.] A man by the name of Beatty, a practicing attorney in the City of Sacramento, with whom I never have had friendly relations, has seen fit to come forward in this matter. He premises his statement by observing that he knows nothing in relation to the charge, of his own personal knowledge. Then, after rehashing all this foul and miserable stuff, paraded by the Opposition, the only fact that he does state, acting upon his own knowledge, is that, after the charge, I absented myself from the

Supreme Court, and did not make my appearance there while Judge Murray was on the bench. Why, gentlemen, Mr. Beat y, when he made that statement, could not have stopped to think, for a moment, and nothing but the hatred he bears in his heart to me could have induced him to make a statement so scandalously false and malignant. I came back from Congress in 1855. I got here in the month of May. I resumed the practice of my profession in the month of June. During the months of June, July and August, one half of the time I was canvassing the State for Governor Bigler, and the other half I was engaged actively in my profession. During August I received my commission as Collector of the port of San Francisco. I immediately sold my law library, abandoned the practice of the profession, and assumed the duties of that office. I stayed down in San Francisco till July, 1857. When I came to Sacramento, I was taken sick with salivation, and was confined to my bed for over three weeks. About that time, the delegates from this county aided in nominating Mr. Weller. You will recollect that fact. As soon as I got well I went on the stump and advocated the election of Mr. Weller. The contest terminated in his election, and a few days after that Hugh C. Murray was dead and in his grave. So far from its being true that he noticed that I was not in the Supreme Court, I was not then a practicing attorney. Judge Heydenfeldt, eight or ten months previously, had left the bench, and was practicing at the bar before I came back. Judge Murray died on the 19th of September, 1857. The Sacramento bar met for the purpose of expressing their sentiments of regret. Tod Robinson presided, and he appointed me the second man on the committee to draft resolutions expressive of the feelings of the bar. When the committee met, I was requested to draft the resolutions myself, when I stated to them that it would not be appropriate for me to do so, because Murray, in his life time, was not my friend, and it would look like hypocrisy to do so. They were afterwards drawn up by Mr. Winans. And right in the face of all this, Beatty tells the public that the bar of Sacramento knew of the existence of this charge against me, while these very gentlemen saw fit to select me as one of the committee to draft resolutions for the purpose I have described. I state to you here to-night that Judge Murray had no belief in his heart that I was ever guilty of any such offense. It would be most unjust to me and most unjust to himself. I never entertained such an idea, as God is my judge, of attempting to influence him improperly. I never talked to him from January, 1851, for five minutes at a time. I knew he was a personal and political foe. He conceived a prejudice against me since the Convention which nominated delegates to the National Convention which nominated Frank Pierce. From that time down to the time of his death it was well known that our relations were wide and separate. A more malicious and unqualified falsehood was never circulated than this charge against me. I am satisfied from what I have read in the papers which I am about to submit to you, (I have no personal knowledge of it) that there was a time in Judge Murray's life—the Summer of 1855—when he did believe that, not by myself, but through Mr. Joseph R. Beard, the Clerk, I had intended some improper approach to him. That belief he, in all probability, communicated to his friends. He never communicated it to me. And I will state further in regard to the inuendo thrown out by an anonymous scribbler concerning the contest of 1857, that I never dreamed that H. C. Murray entertained any such feelings or ideas relative to myself. I will further state that neither Judge Murray, nor Judge Heydenfeldt, nor Judge Bryan, or any one of the Judges on that bench, ever intimated that there was any such charge against me, or that my presence in the Supreme Court was not at all agreeable. No such intimation was ever given to me by anybody. These are the facts. Now, I will come to the proof; I will read to you, gentlemen, the documents which have been sent to me in connection with this matter, and then let you and the people of California judge for yourselves if I have been unjustly accused of this most heinous offense. I first want to read to you a letter from Judge Terry himself; Judge Terry never was a personal or political friend of mine, as he states himself:

SACRAMENTO, July 28th, 1859.

JOHN WHITE, ESQ.—DEAR SIR:—I this morning received your letter of yesterday. In reply I will say that, if I had known the truth of the charge you have made against Mr. Latham, the facts connected with it would have been disclosed before the meeting of the Convention which nominated him. I would have deemed it my imperative duty as a citizen, anxiously desiring the success of the Democratic party in California, to inform the members of that Convention of the unworthiness of the man who was asking their indorsement for the chief executive office of the State. As I had no such knowledge, I was silent. It is well known that Mr. Latham was not my choice for the position. But while I was ready to use all proper means to prevent his nomination, I did not feel justified in making a charge affecting his personal integrity, upon the strength of mere hearsay statements. I do not desire to have my name connected with the issues which are being made in this campaign, and, therefore, have paid no attention to the references to myself which have been made by several newspapers belonging to your party.

I am truly yours, D. S. TERRY.

The next I wish to read to you, is from Mr. McConnell, the Attorney-General of the State, and one of your own neighbors, on the subject as to whether he was instructed by the Judges of the Supreme Court to commence a prosecution against me for this offence. I wrote to enquire of him what he knew of the subject. He wrote me as follows:

NEVADA, August 1st, 1859.

HON. MILTON S. LATHAM.—DEAR SIR:—Your note of this date containing the following questions has been handed to me:

1st. What do you know of the alleged attempt on my part to bribe the Hon. Hugh C. Murray, during the year 1855?

2d. Were you, as Attorney General of the State, at any time instructed to prosecute me for the alleged attempt at bribery?

In reply to the first, I have to say that I have no personal knowledge of the matter charged against you, but that all my information is founded upon hearsay and rumor.

To the second I reply that I never was instructed by the Supreme Court to prosecute you in my character of Attorney General.

I have the honor to remain respectfully yours,
J. R. McCONNELL.

The above letter elicited thunders of applause.

Mr. Latham.—Now, then, gentlemen, the next communication I desire to call your attention to, in this matter, desiring as I do to make it as clear as the noonday sun, is from Vincent E. Geiger. I probably never had a more bitter political enemy than he was when editor of the Times and Transcript. When I assumed the duties of Collector of the Port of San Francisco, according to my instructions, I was to let out the printing to the lowest bidder, and by that act he was deprived of a large amount of printing, and he became my enemy from that time. Here it is:

During the time I was connected with the Times and Transcript newspaper, published at San Francisco, Mr. Latham and myself were not friendly. He was Collector of the Port of San Francisco, and I believed he gave the printing connected with his office to the Alta. Judge Murray, being himself personally unfriendly to Mr. Latham, met me and said that he could give me some information that would injure Mr. Latham. I told him I would be obliged to him for it. He then proceeded to tell me about the case. We talked the matter over at great length, and I finally told him that, as I saw nothing in his statement that would criminate or reflect upon Mr. Latham, I could not make the charge; that, however anxious I might be to destroy Mr. Latham's personal and political prospects, I could not do so on the statement he made. After some hesitation, he remarked, "I think you are right. We cannot make out the case. We had better let it drop." I did so.

[Copy.] VINCENT E. GEIGER.
Sacramento, July 30, 1859.

This letter also excited the wildest shouting. When the applause subsided,

Mr. Latham.—Now, then, gentlemen, I come forward with the testimony, like any other prisoner making out his case, of an Associate Justice of the Supreme Court, whose name has been invoked, and ask you to bestow your attention upon what my old preceptor—the man under whom I studied law—who has always been my friend, and never to my knowledge, deviated from the strictest rule of truth and propriety, says. I refer to Judge Heydenfeldt, the Associate of Judge Murray at the time, who was his friend while living, and now his friend when dead:

San Francisco, July 30, 1859.

Editor of the Standard:—I have heretofore remained silent on the subject of the charge made against Mr. Latham, of attempting to bribe a Judge of the Supreme Court, because I have a great reluctance to be conspicuous, and because I did not imagine that a mere hearsay, traced to a man in the grave, would be relied on so sedulously to affect the reputation of a man whose integrity had never before been questioned.

But, as by constant reiteration, this molehill has grown into something of a mountain, it is inappropriate that I should be silent any longer.

My recollection of dates is very imperfect, and as I am confined to my room, and have been for the last four weeks, I am not able to refer to books or papers to aid me, so I will mention none.

It is true that while the Supreme Court Bench was filled by Judges Murray, Bryan and myself, Judge Murray made the charge which has been alluded to—founded, as he said, upon a statement of Mr. J. R. Beard, then Clerk of the Court, and he consulted me upon the subject.

In the consultation I had with him, which was our second conversation, Judge Murray explained fully, and distinctly, that as he had understood Beard, it was not an attempt to bribe him, Murray, but to bribe Beard to obtain the knowledge of a decision anterior to its publication.

I was very much annoyed; my relations to Latham were peculiar, and I had watched his career with interest.

I told Judge Murray that it was his duty to have a public investigation, and if the charge was true, that Latham's name should be stricken from the roll.

He asked me how it could be brought up. I told him first to get the proof in positive shape, so that there could be no mistake, and I would find some one to make the charge and bring it up. He answered that he would do so.

Some time elapsed before the subject was renewed—how long I do not remember. In the interval I knew that Judge Murray mentioned it and consulted with two or three members of the bar, and always with a great deal of acrimony.

It is here proper to state, in parenthesis, that long anterior to this period, Judge Murray disliked Latham very much, and would have indulged his prejudice to the injury of Latham, if there had existed any good grounds for doing so.

When we conversed again on the subject, I brought it up by asking Judge Murray what he was going to do about the charge against Latham? He answered that he could do nothing; that he could not prove anything; that he had a subsequent conversation with Beard, in which Beard assured him that he had entirely misunderstood him; that Beard had given him a version of their previous conversation which was very different from the way he had at first understood it; that it amounted to nothing, and therefore the matter would have to drop.

After this period, although my relations with Judge Murray continued most intimate up to his death, and my association with him was constant, I do not remember ever having heard him allude to the subject, although Latham, during Murray's liftime, was appointed Collector, and was a candidate for the United States Senate, upon either of which occasions such a charge might have been wielded against him to his injury, if there had been any substance in it.

I have now stated all that I know about the matter, and that is a correct account of *the hearsay* from the man in the grave.

In conclusion, I beg to call attention to the salient points which are here presented. It will be observed—

1st. The charge made against Latham is from hearsay; that is, the say so of Judge Murray, who is dead.

2d. The charge made by Judge Murray was from hearsay; that is, the say so of Mr. Beard.

3d. That Judge Murray, upon investigation,

ascertained that he had drawn an incorrect inference from his conversation with Mr. Beard, and consequently there was not *even hearsay* to sustain the charge, and so it was dropped.

S. HEYDENFELDT.

This letter also excited the most tremendous cheering.

Mr. Latham—Now, fellow-citizens, Mr. Joseph R. Beard, formerly a citizen of your county, also voluntarily—without my request—sends me the following statement, which I desire to read to you :

STATE OF CALIFORNIA, } ss.
County of Sacramento. }

Jos. R. Beard this day came before me, E. E. Eyre, Notary Public, and, after being duly sworn, deposeth and saith, that this affiant has been informed that it is reported that the Hon. Milton S. Latham approached this affiant some time in the year 1855, and requested, or endeavored to procure him to obtain from the Hon. H. C. Murray, late Chief Justice of the Supreme Court of California, a decision in a certain cause, depending in the Supreme Court of said State, in which one Davidson was concerned, and, also, the steam vessel "Underwriter," (the title of the case being Davidson v. Gorham,) favorable to the said Davidson: and that a sum of money was to be paid, for the procurement of the said decision, to this affiant, for himself and said Murray, or either. This affiant states that the said Latham made *no* such proposition or approach to him, nor did affiant ever make any such proposition to said Murray; that the said Latham never directly or indirectly intimated to affiant any wish or desire on his part that the said Murray or the said Court should decide the said cause in favor of the said Latham's client; nor did said Latham *make or hint* at any such proposition to be made to said Murray; and affiant further says that if said Murray ever intimated or stated that affiant had made such a proposition, he was wholly mistaken. That affiant and said Murray were on terms of the most intimate friendship, both before and until the period mentioned, and until the death of said Murray; and that said Murray never intimated to affiant that affiant had ever made such a disreputable proposition, or in any respect altered his relations with affiant; that affiant *never had the least authority from said Latham* to make the said proposition, *and affiant never made it.*

Affiant states that in no manner, shape or form did said Latham ever make to him any proposition to bribe the Supreme Court, or *any member thereof*, or in any manner to interfere with, influence or control improperly the action of the same, *or any member thereof;* that affiant never made any such proposition to the Judges, or either one there of, directly or indirectly, on behalf of Mr. Latham, or otherwise; and that, if any statements to the contrary are made, the same are wholly unfounded.

J. R. BEARD, Clerk of Supreme Court
for years 1855 and 1856.

Subscribed and sworn to before me, this 29th day of July, 1859.

[SEAL.] E. E. FYRE, Notary Public.

Tumultuous applause followed.

Mr. Latham—Now, then, gentlemen, I have only to say this: They have called, themselves, these witnesses on the stand. They admitted, from the first, that they could not prove this charge themselves. They indicated that these men could, and they have come forward to-night and proved to you and the people of this State my entire innocence. In all this persecution which has been forced upon me, I have done what no criminal ever arraigned at the bar has done—I have taken the negative, and proved my innocence of the whole charge. I have shown to you to-night that if Judge Murray ever entertained such an idea during his life, it was derived from hearsay of persons who have now done me the justice to come forward voluntarily and wipe out these injurious impressions from the minds of the people of the State. [Applause.]

Well now, gentlemen, I might stop here, but I cannot allow any of these charges to go unanswered. There are two or three more that I want to respond to. [Great applause.] I have for a long time suffered myself to be misrepresented, and, therefore, to night—the only time I have alluded to the matter during the canvass—I desire to wipe them all out, so that when I am gone they cannot say that I did not allude to this or that charge. A report has been circulated in the counties of Yolo, Butte and Plumas, and the person who has circulated it is the same Beatty to whom I have before referred, that some years ago I forged a note for $1,000. [Great laughter.] It has not yet been put in the public prints, except the Plumas Argus, which I suppose has no circulation outside of the town of Quincy, but a gentleman, named Miles, rode 50 miles to tell me that this report had been industriously circulated. A number of gentlemen at Downieville—attorneys there, (their names can be given) have informed me that they heard Beatty assert the charge, and that I was guilty of this foul and infamous offense. I immediately went to Oroville, the county seat of Butte, where I obtained the record of the case for the purpose of proving that this charge is is a most foul and infamous lie. In 1850, a man by the name of Keiger shot a man in the streets of Marysville, in a most unprovoked manner. The citizens were greatly incensed, and the officers were obliged to run him off to Sacramento. His partners, McKenzie and Webster, came to my office in 1850, and employed me to defend him. The case was an aggravated one. I told them that I would do so on condition they paid me the sum of two thousand dollars. They agreed to the contract. They paid me $1,000, for which I gave a receipt, and agreed to pay me $1,000 some time during the progress of the trial. I went to Marysville and made application for a change of venue, and there got a continuance of the case. In the meantime the partners of this man had forsaken him, and left him here to fight his own battles. I supplied his wants on the prison brig and sent him clothing, bedding and other things, out of mere humanity, and, in fact, gave him back a large proportion of the one thousand dollars which had been handed to me for his defense. During that summer Keiger gave me a note for the other one thousand dollars, signing to it the names of the members of the firm. Now, fortunately for me, in this controversy, the man who was in charge of the prison brig at the time, and now the Clerk of the Water Works, Mr. John A. Tutt, was present at the time and subscribed the note as the attesting witness. I brought suit subsequently on that note, and these same partners, in their answer, set up the fact that this man, Keiger, had not executed the note—had no authority to sign their names, and that it was all a forgery on my part. The moment

they broached that fact, I took the deposition of Mr. Tutt and C. H. Caulfield, another citizen of Sacramento, who was conversant with all the facts. I will now read them to you.

In the first place, the receipt reads as follows:

Received of William McKenzie, for John Keiger, one thousand dollars for professional services rendered.
Sacramento City, September 4, 1850.
M. S. LATHAM, Attorney.

Here is the note.

One day after date, we promise to pay Milton S. Latham, or to his order, for professional services rendered, one thousand dollars.
December 9, 1851.
JOHN KEIGER,
JAMES WEBSTER,
WM. McKENZIE.
JOHN A. TUTT.

That is the note upon which the suit is brought. The suit was brought by an attorney by the name of Smith. Here is the answer:

MILTON S. LATHAM v. JOHN KEIGER, JAMES WEBSTER & WILLIAM MCKENZIE.—In the District Court in and for the County of Butte—April Term, A. D. 1851.—And now come James Webster and Wm. McKenzie, the real parties in interest of the defendants, and represent unto this honorable Court, that they never gave their certain promissory note to said plaintiff, as is alleged in said plaintiff's bill of complaint, but that said note is altogether forged, spurious and fraudulent; and of this they put themselves on the county.
EWER AND LOTT, Attys. for Defts.

And the said defendants further answering, say that the firm of Keiger, McKenzie & Webster was virtually dissolved on or about the first of September, A. D. 1850, by the imprisonment of the said John Keiger, and that the said John Keiger has not been a partner in the said firm since the said first of September, 1850.

And the said defendants further aver, that they paid to the said plaintiff the sum of one thousand dollars, by order of the said John Keiger, and that the said sum of one thousand dollars exceeded the whole interest of the said Keiger in the said firm of Keiger, Webster & McKenzie.

And defendants further say, that they were engaged in the business of buying and selling goods, and that the consideration for which said note was given was entirely out of the regular and legitimate business in which said firm was engaged, and therefore not binding on said firm.

And the defendants also further say, that they have been deprived of the use of their property since about the middle of December last past, by the wrongful suing out of this writ of attachment, to the damage of defendants, to wit: to the damage of two thousand dollars; and they therefore pray that judgment may be rendered against the plaintiff for the said sum of two thousand dollars, together with the costs of this suit.
EWER AND LOTT, Attys. for Defts.

Endorsed, Plea in answer. Filed April 2, 1851.

That was the answer. I immediately took the depositions of Caulfield and Tutt, which I will read to you:

Henry Caulfield, one of the witnesses named in the Commission herein, being of lawful age, and being produced, sworn and examined on the part of the plaintiff, for answer unto the first interrogatory propounded to him, says:

I am acquainted with the plaintiff, Mr. Latham, and one of the defendants, Mr. Keiger.

Answer to the second interrogatory: I understood the defendants were keeping store above Marysville.

Answer to third interrogatory: The defendants were engaged in keeping store. I believe they were all equally interested, and Keiger was the business man in the concern.

Answer to fourth interrogatory: Keiger told me that the firm had $2,500 in gold dust at the time he was put in prison, and goods to the amount of $3,000 or $4,000. This was told me shortly after he was put on board the prison ship, about the first of September, 1850; he also told me there were some outstanding debts due to the firm.

Answer to the fifth interrogatory: My answer to the fourth interrogatory is my answer to the fifth.

Answer to the sixth interrogatory: The defendant Keiger told me that he justly owed Mr. Latham the sum of $1,000. He also told me that he executed the note, and that he had money enough in the hands of his partners, the other two defendants, to have paid the note, if they had closed up the business as they should have done.

In answer to the seventh interrogatory: I know Mr. Latham bought for the defendant clothing during his confinement. The plaintiff also furnished him with money out of his own pocket at divers times. Mr. Keiger told me that the other two defendants, his partners, refused to give him any portion of the partnership property.
HENRY CAULFIELD.
Sworn before me, this 11th day of March, 1851.
C. A. JOHNSON, Com.

John A. Tutt, one of the witnesses in the Commission in this cause named, being of lawful age, and being by me first duly sworn and examined on the part of the plaintiff, for answer to the first interrogatory propounded to him, says:

I am acquainted with the plaintiff, Mr. Latham, and with one of the defendants, Mr. Keiger.

In answer to the second interrogatory, said witness says: The business relations of the defendants last Fall and Winter were selling goods above Marysville.

In answer to the third interrogatory, said witness says: As I have just stated, they were engaged in selling goods above Marysville, and were equally interested as copartners.

In answer to the fourth interrogatory, the witness says: I have heard one of the defendants, Mr. Keiger, say that they had some twenty-three hundred dollars in money and some four or five thousand dollars worth of goods, amounting to seven thousand or eight thousand dollars in all.

Answer to fifth interrogatory: My answer to the fourth interrogatory is the answer to the fifth.

Answer to the sixth interrogatory: I saw said note executed by Mr. Keiger signing his name to the note, and also signing the name of his partners, on which said note I signed my name as a witness.

Answer to the seventh interrogatory: I have frequently heard Mr. Keiger state that his partners since his imprisonment, have refused to give him any portion of the partnership funds. He also stated that his partners had refused to supply any of his wants. I have likewise heard Mr. Keiger say that he justly owed Mr. Latham the sum of one thousand dollars, and that he wanted his portion of the partnership funds and assets to go in payment thereof.
JOHN A. TUTT.
Sworn before me this 11th day of March, 1851.
C. A. JOHNSON, Com.

Now, gentlemen, that settles that charge. The next charge made against me in the catalogue is this: It has been circulated in the northern part of the State, and it has no doubt penetrated to this place, that the late W. I. Ferguson consulted with me, and that I aided, and abetted, and drafted certain resolutions introduced in the State Senate, denouncing James Buchanan, or, at least, endorsing the course of Mr. Douglas. I have to say, so far as I am concerned, that I had anything to do with these resolutions, in any manner, shape or form, is wholly unfounded and untrue. I stated at Shasta that I knew nothing in relation to them, directly or indirectly, and the proof of that I desire now to read. It is a letter from

Mr. Hoge, who was consulted, and who was present, and who knew everything in relation to these resolutions. It is as follows:

SAN FRANCISCO, July 26, 1859.

HON. MILTON S. LATHAM—DEAR SIR:—I am informed that Dr. Powell and others of that party are stating publicly that "you were present with W. I. Ferguson, Gen. J. A. McDougall and myself when the resolutions of Mr. Ferguson were considered and prepared, denouncing Mr. Buchanan and endorsing Mr. Douglas." Upon this and upon all other such statements I have these remarks to make:

1st. I never was present when any resolution was considered "denouncing Mr. Buchanan" or his Administration. I should have resisted any such had it been proposed. I have at all times opposed any warfare on the President or his Administration, or any attempt to disorganize the Democratic party, or any proceeding looking that way, in reference to Kansas.

2d. I was present with Mr. Ferguson, Gen. McDougall and others on one occasion, and one only, when a resolution was considered and prepared in favor of submitting the Lecompton Constitution (so called) to the people of Kansas, which was all I ever contended for.

You were not present on that occasion. So far as I know, you had nothing to do with the resolution, directly or indirectly.

Until this canvass, I never, to my recollection, heard of you or your views in connection with the matter.

So far as I am concerned, and so far as I know, I authorize a denial of all statements such as that now in question, whenever and by whomsoever made.

With great respect,

Your obedient servant,

JOS. P. HOGE

Well now, gentlemen, I am about done with all these charges except one—there is still another, [Laughter] so contemptible, so mean and so despicable, that I feel absolutely humiliated even in alluding to it in your presence. It has been stated, and industriously circulated in the Northern part of the State where I have been, that I am a very dissipated man, [Laughter,] that I am in the habit of getting drunk at Sacramento City—that I do not make a public disgrace of myself, but that I go home to my family, get drunk, and treat with disrespect the wife of my bosom. I only allude to this to show how malignant, how unbridled has been the license which the Opposition have allowed themselves in heaping accusations upon my head. Not content with accusing me of crime of the most damning character, they invade, (for their malignity knows no bounds,) the fireside, the domestic hearth, where all my happiness and all my affections cluster. [Applause.] I have been a citizen of this State for ten years; I have held two of the most responsible offices within the gift of the people and the Government. I was a member of the thirty-third Congress, one of the most important that this State has ever seen so far as her own interests are concerned. Myself and my colleagues succeeded at that Congress in securing an appropriation of five millions of dollars to carry on our public works. We secured the passage of a Pacific railroad bill in the Senate, and would have succeeded in the House had it not been for the treachery of certain Republican members. We succeeded, further, in getting the Indian war debt paid to the amount of nearly one million of dollars. By our exertions in the House of Representatives, we secured the passage of a law extending to settlers the right to settle upon any surveyed or unsurveyed lands in the State. The United States Circuit Court was established and other measures of importance to the people were matured. I came back in 1854 and found that I had been invited by the same parties who now heap the foulest abuse on me, to run for Congress on their ticket, but I saw that if continued in it would break down the party, and peremptorily declined. Gen. Denver and Mr. Herbert, on the Democratic ticket, were elected. In the Spring of 1855 my name was presented to the Convention which nominated Mr. Bigler for Governor, but I stated distinctly at the time that it was done without my approbation or consent. While in the quiet and peaceful pursuit of my profession, President Pierce wrote to me, wishing that I would take the Collectorship. The administration were dissatisfied with the way the duties had been performed. Nothing could be more repugnant to me. I knew if I took the position, I could not avoid making a large number of enemies; and, in addition, I might not satisfy the General Government. The warehouse system, as it now exists, was about to be inaugurated. The number of employees was to be reduced; the expenses were to be reduced, and reform was to be instituted in every department. I felt that if I took charge, I would in all probability fail. I desire to contrast the charges which have been brought against me with the manner in which I discharged my duties in that office. Permit me to state that during the time I was officiating, there passed through my hands over three millions of dollars, and when we came to settle up, the accounts were reported from the office of the Commissioner of Customs, within ninety days after they had left the Treasury Department. They had settled all my accounts—all my bonds without difficulty—and I have here a letter which I intend to read you; it was a draft which was sent me in July, 1857, for a balance which it was found was due me, of $8 76.

A Voice—You had better spend that for rum.

Mr. Latham—I will keep it to treat my friends to good whisky when I am elected. Here is a letter written to me by Secretary Guthrie, on his retiring from office:

WASHINGTON, January 19, 1857.

SIR:—I have every reason to be satisfied with the manner in which you have discharged the duties of Collector of the Port of San Francisco, and were I to remain in charge of the Treasury Department, should exceedingly regret your leaving the position.

The records of the Department prove that you alone of all who have filled the office have discharged the duties correctly and promptly.

The record you have made as Collector, is the highest evidence of your faithfulness and capacity for the place, and the best recommendation you can have for the retention of the place, until it shall suit your own convenience to leave. This I shall cause to be represented to the incoming Administration. Respectfully,

JAMES GUTHRIE.

MILTON S. LATHAM, Collector at San Francisco, Cal.

Mr. Guthrie not only requested, but Mr. Buchanan himself, that I should continue in the place. Here is the letter to which I referred in

the se tlement of my accounts, written by Samuel Ingham:

TREASURY DEPARTMENT OFFICE OF COM'R OF CUSTOMS, March 17th, 1858.

SIR:—Your accounts as late Collector of Customs at San Francisco, California, and in all other capacities under your official bond, dated June 1st, 1856, have been adjusted at the Treasury, and a balance of $8 76-100 found due to you from the United States, which will be remitted to you. Very respectfully your ob't servt.,

SAMUEL INGHAM,
Commissioner of Customs.

M. S. LATHAM, ESQ., late Collector at San Francisco, California.

Now here is the draft:

No. 58] TREASURY DEPARTMENT, March 17, 1858.

SIR:—You will please pay to the order of Milton S. Latham, former Collector at your port, the sum of eight dollars and seventy-six ($8 76) cents, being the amount found due per Report No. 24,011, and charge the same in your account of Customs, referring to this letter by date as your authority for so doing.

I am, very respectfully, HOWELL COBB,
Secretary of the Treasury.

BENJ. F. WASHINGTON, Esq., Collector of Customs, San Francisco, Cal.

This includes all the charges brought against me. I have covered the whole ground.

Drunken Man.—Let (hic) me speak, (hic, hic;) I——I (hic, hic,) can rebut (hic) your evidence, (hic, hic, hic.)

Mr. Latham.—I have alluded to all the accusations brought against me. There is, I believe, one more to which I propose to speak. I regret to have consumed so much of your time, but I feel that I am not only speaking to you, but to the people of California. Justice to myself and to the party which has presented my name, renders it obligatory on me to speak of all. The last charge brought against me is that of inconsistency. They tell you that my political course renders me unworthy the confidence of the people of this State, because there is an inconsistency in the positions I occupy before the Democratic party. Daniel O'Connell once said that "inconsistency was a scoundrelly virtue." I say that if a strict observance of the customs and usages of the party, render me unworthy of confidence, then, truly, I have been guilty. When the trouble sprung up between Stephen A. Douglas and Mr. Buchanan, relative to Kansas, and the policy of the Government, I occupied simply this position: I said, when that issue was made, on the 1st December, 1857, I stood for Stephen A. Douglas, and against James Buchanan. Douglas was not only a political but a personal friend of mine. He is the friend not only of me, but of my family, and the feelings of my nature gush to support him in any position that he might assume. I stood by him in that controversy, but when the "English" Compromise Bill came up for the final adjustment and settlement of the question, it met my approval, and the approval of every Democrat who desired the prosperity and peace of the country. I state to you now, as I have stated to the people of Placer, El Dorado, Amador, etc., that that was my position, urged openly, and I trast urged manfully, as to what I conceived the correct policy to be, under the circumstances, but never, sir, did I entertain the idea for a moment—never did I dream, let the result be what it may, that I would leave the Democratic party, set at naught its organization and usages, to join the hereditary enemies of the party and to seek to break down and destroy. [Great applause.] I said just exactly as Stephen A. Douglas has said, that to maintain the usages and precedents, and discipline of the party, is incumbent upon every member of it throughout the land. I quoted that language then as I do since, and no man can truly assert from this or any other stand that Stephen A. Douglas was or is out of the Democratic party. With the exception of the policy in relation to Kansas, he has stood by James Buchanan and his Administration. He has maintained his position inside of the organization, regarding the organization of the true and legitimate Democracy as involving the peace, happiness and prosperity of the land. Let me say to you, therefore, in conclusion, that there is, far away over the waters of the Atlantic, upon a rocky island off the coast of Britain, the name of which I do not remember, a huge and ponderous rock, conical in its shape, but with the base upwards, and the apex imbedded in the stone. That rock was the Druidical temple, where the Druids once gathered together for the purpose of worship, or executing their sacred office. On its top has been collected the loam of ages. The winds wafted along seeds, implanted them, and they grew up to be majestic trees. When the storms came, the old Druidical rock would be seen to sway to and fro, but when the storm was hushed, and the sun shone out clear again in the heavens, it was fixed immovably, to the wonder of all beholders. Just so with the Democratic party. In the midst of the commotions and passions of men, it may sway, gentlemen, to and fro, until it may be felt that the mysterious bands which hold it are about to give, but when the excitement of the moment has passed away, it will be found the same, fixed and immovable, on the rock of our progress and national greatness. [Great applause.]

Three hearty cheers were given for Mr. Latham as he descended from the platform.

25,135
INV. 1396.

SPEECHES

OF

HON. MILTON S. LATHAM

DELIVERED IN

THE SENATE OF THE UNITED STATES,

ON

STEAMSHIP LINE FROM CALIFORNIA TO CHINA,

VIA SANDWICH ISLANDS AND JAPAN,

APRIL 10TH, 1862,

ALSO ON

THE RESOLUTION TO EXPEL SENATOR BRIGHT, OF INDIANA,

JANUARY 27TH, 1862,

AND

REPORT FROM THE MILITARY COMMITTEE,

ON

TELEGRAPHIC COMMUNICATION BETWEEN SAN FRANCISCO AND THE AMOOR RIVER, IN EASTERN ASIA, VIA BEHRING'S STRAITS.

WASHINGTON:
McGILL, WITHEROW & CO., PRINTERS.
1862.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California to strike out all after the enacting clause of the bill and insert what will be read.

The Secretary read as follows:

That the Postmaster General be, and hereby is, authorized and directed to enter into a contract, for a term not exceeding five years, for a sum not exceeding $500,000 per annum, with such person or persons, being the lowest bidders, offering sufficient and satisfactory security, after due public notice, for the transportation of the United States mails, upon the best terms for the United States, monthly, and in thirty-five days, from San Francisco, California, *via* the Sandwich Islands and Japan, in case any port of that Empire shall be opened to the United States, to Shanghae, in China, and back, in steam vessels of not less than two thousand tons burden, of the best form of construction adapted to the navigation of the Pacific ocean; and any excess of the amount which may be contracted to be paid for this service over the aggregate of postages collected therefor shall be paid out of any money in the Treasury not otherwise appropriated.

SECT. 2. *And be it further enacted*, That these mail steam vessels shall be appropriately armed and equipped as war steamers, in such manner as the Secretary of the Navy may direct: they shall each be commanded by a lieutenant of the United States Navy, and while employed in carrying the mails as herein provided, they shall be required to protect commerce in their route between Shanghae and San Francisco, in the same manner as if the said vessels were wholly devoted to that service.

SPEECH.

Mr. LATHAM. Mr. President, it may perhaps seem strange that at a period like this, when the country is engaged in a death struggle for the maintenance of its integrity, its institutions, and laws; when the Treasury is being strained, and the people are about to be taxed to their utmost capacity by the exigencies of a cruel internecine war; when thousands and hundreds of thousands of brave hearts rush into battle to save the glorious inheritance of the fathers of the Revolution, the Senate of the United States should be called upon to listen to a proposition such as is contained in the bill now before it. The policy I am about to submit to your consideration is not merely commercial, and does not exclusively refer to navigation and trade. It is not merely one of material interest in which your constituents and mine have a large permanent share, but also one of sound far-sighted statesmanship, and in a military point of view, of paramount necessity, if we intend to put the most distant, and therefore the most exposed, part of the Confederacy in a state of defence against the possible aggression of a foreign enemy.

A line of steamers between San Francisco and Shanghae, in China, is not only a commercial desideratum to California, but would also save time and money to New York, Boston, and Philadelphia importers, and commissions which are now earned by London bankers, through whose agencies and by whose credits our American merchants now make their payments for goods purchased in China, running constantly the risk of interruption or an entire suspension of trade with that vast empire should our relations with England cease to be of that friendly character, which thus far, it has been our mutual good fortune to preserve and cherish. Before considering the present bill, I desire briefly to allude to the first attempt made by our enterprising ship owners in New York to enter into serious competition with British merchants and navigators for the transportation of the mails and the carrying of passengers and valuable freights by first class ocean steamships. The proposition to carry the United States mail, as well as troops and munitions of war, from New York to Chagres, and from Panama to San Francisco, and *vice versa*, stood alone. That line of steamers had no foreign rival, and no domestic one, until the Nicaragua and, later, the Tehuantepec line were started, and of course realized large profits, while it aided in developing the inexhaustible resources of our vast Pacific empire.

But the New York and Liverpool line, established by the enterprise and perseverance of E. K. Collins, had a fierce and deadly struggle to encounter. Not only had he to compete with the experience, mechanical skill, and nautical science of his British rivals of the Cunard Steamship Company, but also against vastly superior associated capital, and the wise liberality of a government which, by encouraging the private enterprise of its subjects, develops its own strength and increases its aggressive and defensive means. The Cunard Steamship Company receives large subsidies from the British Government, and receives them without being obliged to renew its applications from year to year, and without fighting a score of domestic rivals to secure a permanent support. With a company thus armed and equipped, and permanently secured in the possession of its unrivalled advantages, Mr. Collins had to contend, and though his profits were not equal to those of the British line, and though the American people did not sustain him with the unanimity which on the other side of the water insured the success and amassed a fortune to the British line, yet his ships were pronounced models of naval architecture, superior in speed and accommodations to the ships of his British rivals.

The support of mail steamers in all directions and on every sea, by Government aid, has become the settled policy of England, and vast are the benefits which she derives from it in the increase of her wealth, in the extension of her commerce, and in the overshadowing influence of her maritime power. We did, in an ill-fated hour, throw away these advantages, but I trust we have seen our error. If we now had a fleet of such steamers as the Adriatic, the Baltic, and the Atlantic, what advantages might we not have already derived from them in this unfortunate civil war? How much might not a fleet of such steamers have shortened the period of its duration, and how many millions would have been saved to the Government and the people which have been lavished on knavish contractors and speculators? We have seen what immense service these subsidized British mail steamers have been to England and France in the Crimean war; how useful, nay indispensable, they have been as transports in conveying troops from England and France to the shores of the Euxine; and we have had the testimony of so high a personage as the Emperor Napoleon, in his speech at the conclusion of the war, that but for the facilities offered by these English transports, such

large bodies of troops, as the allies were obliged to send to the Crimea, could never have reached that classical soil in time to make an impression upon it.

And what do we see now in our own international struggle? Are not the Collins and the Vanderbilt line of steamers those on which the Government now relies with the greatest safety? Are they not the cheapest, the safest, and in all respects, the most reliable of all the transports we have in the service? Where are there such steamers as the Vanderbilt, the Baltic, and the Atlantic? And have we not now reason to be thankful that there was a period when our Government, with statesmanlike forecast, resolved to have its mails carried by national steamers, and its flag periodically displayed in the principal ports of the world? And ought we not now to profit by the experience of the past, and the example set us by other nations, and establish permanently, as a Government measure, lines of steam communications to carry our correspondence, our treasure, our products, and our people under our own flag to the commercial marts of the world? The war in which we are now engaged, has demonstrated that, with our extensive sea-coast, it is principally transports that we stand in need of—fast and safe sailors which can be relied on in all kinds of weather.

For that important service, our mail steamers, and especially those which are proposed in this bill, if constructed and equipped as therein described, will always be fit; and in answering that purpose and regularly performing the mail and passenger service for which they are especially created, they ought to satisfy the demands of the Government and the public.

The armament of these steamers is with a view of rendering them serviceable in protecting our flag in the China seas and the Indian Archipelago—seas infested by pirates—and against all unlawful acts of the peoples and Governments of those distant countries. To say that these lines of steamers ought to be self-supporting, and not in part at least a charge to the Government, is to take a very short-sighted view of the matter.

Perhaps if the whole were left to private competition—if no other powerful Government was aiding and promoting the success of such lines when established by its own subjects—we might leave it to the enterprise and perseverance of our citizens to run a race with their English or French rivals. But when we find all mail steamship lines, wherever established, backed and subsidized by their respective Governments, it is worse than idle to suppose that a company of private citizens, unaided by Government support in our own country, may successfully compete with them. It is with these mail steamers as it is with armies and navies of different nations. If one nation increases its navy, the other, not wishing to become inferior, is obliged to follow the example, or subside into a power of less consideration and political influence. The question is not what is *absolutely* necessary, but what is *relatively* necessary, not to be distanced in the national race!

The mail facilities granted to its subjects by the British Government have been followed by France, Austria, and Russia, who subsidize their respective lines of mail steamers in the Mediterranean, knowing and fully appreciating the importance of having these regular messengers and representatives appear at shortest intervals in the principal ports of that sea. It is by such means, rather than by the blood and carnage of expensive and uncertain naval battles, that France is steadily advancing her interests in the Mediterranean sea, which she hopes in course of time to make essentially a *French lake*, in spite of the three British strongholds, Gibraltar, Malta, and Corfu, in the Ionian islands.

Let the Isthmus of Suez be pierced principally by French enterprise, and you will immediately see a line of French mail steamers plowing the Red Sea, and trading *coastwise* to Aden, Bombay, Madras, and Calcutta. And yet, how small is the commerce which France has to protect and foster in comparison to our own! But the Government of France knows the importance of having its business done by its own agents, and of being in constant communion with all foreign countries now at peace with herself. Regular vessels of war are at best but slow messengers of disaster or wrongs suffered by a nation's ships, while a periodical mail communication is sure to carry tidings within a specific period, and to lead to prompt reparation or relief Now, if this course of reasoning applies to such small and inland seas as the Mediterranean, how much more striking must be its application to the Atlantic and Pacific oceans! It is a melancholy fact, and has been repeatedly reproached to us by British and French writers and orators, that in spite of our large commercial tonnage, the American Government has had but little care to protect the interests of its merchants and navigators. The China sea and the Indian Archipelago are known to swarm with pirates, yet how few vessels of war have we ever had in commission in those seas; and where would have been our ships, and their valuable cargoes, if they had not been protected by the presence in those waters of British, French, and even Dutch vessels of war?

Until a very late hour we have not had ships of war enough in commission to bear our share in the international police of the sea; and yet, previous to the present civil war, our commercial tonnage was larger than that of every other nation on the globe! Now, a line of armed mail steamships such as is proposed in this bill, is the very best means of establishing a maritime police, and of protecting our navigation and commerce in every ocean. Each ship would be a sentinel on the watchtower, a picket thrown out to observe the position or the advance of a foreign enemy. There has certainly never been a

time when these sentinels were more necessary than now, when we may at any moment be involved in a foreign war or beset and molested by insurrectionary cruisers.

Mr. President, I look upon the establishment of this line of armed steamships between San Francisco and Shanghae, in China, as a duty which we owe to the people of the United States, in virtue of that part of the Constitution which makes it imperative on Congress to provide for the national defense and the common welfare.

The possession of a Pacific empire imposes duties upon us commensurate with the magnitude and vastness of the interests involved, and it behooves us to discharge those duties manfully and to their fullest extent, if we would prove ourselves equal to the position which we have assumed among the nations of the earth. No national obstacle, no national calamity ought to deter us from discharging our entire duty in that respect; and it would certainly redound to our national honor, and increase the respect of the civilized world for our people, institutions, and laws, if in the midst of the gigantic disasters which have befallen us we were to exhibit that unbroken spirit, that manly courage, and that calm, statesmanlike forecast which are not only equal to guiding the State through its present perilous crisis, but also providing for its future welfare and grandeur in our national career of maritime power and pre-eminence.

Senators! we are the only people of pure Caucasian origin, at *home* on the shores of the vast Pacific ocean; we alone possess a Pacific empire, and we are bound to extend its power and influence, morally, if not physically, not only on this continent but on the coast of Asia. This it not only our national policy, but a necessary condition of our national existence, and the only means through which we can secure progress and success. You of the Atlantic sea-coast have the mission to watch and maintain friendly relations with the Powers of Europe; we on the Pacific coast are called upon to develop power, and to assert moral sway over the Asiatics. We are a most important link in the chain which civilization has drawn round the world, and by which Providence accomplishes His mighty deeds. This is part of our great mission; and if we fail in it, you of the eastern States, and of the great Mississippi valley are equally involved in the disgrace.

A nation is great as long as she has a great mission to fulfill; she declines and perishes when she ceases to be true to that mission or proves herself inadequate to the task imposed. It may be objected that a line of mail steamships from San Francisco, by the way of the Sandwich Islands and Japan, even with considerable Government assistance, would not be able to realize large profits to its shareholders, perhaps scarcely pay the interest on its outlays.

This may be so at the beginning; but I am willing to leave this matter to the enterprise and ingenuity of our merchants and shipowners, and to the revolution in trade which such a line of steamers is sure to effect. It is *their* business, not ours, to make the line, in a pecuniary point of view, remunerative. The benefits arising to the whole country from the establishment of such a line are not to be measured by the amount of dividends realized by its stockholders; neither is our present trade with China and Japan a correct means of estimating the probable earnings of the line from its passenger and freight trade. Trade itself begets trade, and the successful prosecution of any enterprise is sure to discover means of economizing power and money, and of turning small advantages to great account. An old commercial proverb says, "it is the first step which costs dear;" the others follow naturally and with comparatively little effort. We have certainly a growing commerce with China to protect and cherish, and we are constantly imperiling our rapidly increasing trade with Japan by lacking a regular periodical communication with that wonderful empire, which cannot be established without a line of steamers such as is contemplated in this bill.

Our exports to China have doubled within the last year, and there is no reason why we should not import from China, not for our own consumption, but also for other American, if not European, markets. We enjoy, really, a greater popularity in the East than any European nation. Our friendly intercourse with the people of that remote quarter of the world has never been interrupted by diplomatic difficulties or an appeal to arms, and above all, we do not excite their jealousies by the possession of powerful colonies on their own continent or the neighboring islands. Our diplomatic relations with China and Japan have, with scarcely an exception, been of the most satisfactory character, and we may, without fear of contradiction, assert that we are in favor with both the Government and people. We are indeed more favorably known than any other nation, and have none of those prejudices to overcome which arise either from distrust or a sense of injury which they have not the power to resent or punish. The road, then, is open to us, the people are willing to trade with us, and we possess the products which they most need, and for which those countries furnish the best markets.

The State which I partly represent and the Territory of Nevada possess the basis of the most extensive bullion trade in the world; and yet, what is the course of the precious metals sent from California to New York? The greatest part of it is immediately shipped to England, to be either drawn away by our American merchants in China, or to be further shipped on British account to India and China to aid in settling the commercial balances of all Europe with the merchants of the Celestial Empire.

Now, why should we be any longer de-

prived of the facility of shipping our precious metals, including the products of the most extensive quicksilver mines in the world, direct to Japan and China, saving thereby time, commission, and interest to our China merchants, and earning freights on the shipments of our own products to our navigators? In other words, why should we not render our merchants independent and high above *foreign* bankers, *foreign* mail steamers, and the good will of *foreign* Governments?

Our trade with China, as it is now managed, may at any time be entirely cut off, should our diplomatic relations with England suffer a serious interruption, and would be greatly impeded were England to be engaged in war with any other maritime nation.

It is neither wise nor just to expose so valuable a portion of our foreign commerce to such terrible contingencies, and it is our duty to provide against them while we may yet do so in perfect safety, and without giving offence to our great commercial rivals. In spite of our immense agricultural productions, we are yet essentially a commercial and sea-faring people. Indeed, we are almost amphibious. The spirit of commerce pervades all classes of our vast community, and we are at home on the water, whether it be on the ocean, on our Mediterranean of lakes, or on our majestic navigable rivers. Our products are so manifold as to afford the largest basis of commercial operations and the most remunerative exchange of commodities Our own markets hold out the greatest inducements to foreign traders, while our people in enterprise, activity, and celerity of motion may well challenge the world for a comparison.

Why, then, should we not be able to carry on our trade with China and Japan without the intermission of England? Why should we not export our bullion direct from San Francisco to China, rather than allow it to travel all round the globe to perform a single commercial transaction?

Mr. President, the commercial independence of which I speak refers not only to merchants in the Pacific States, it applies equally to those of New York and to the business men all over the country. At present most cargoes for New York or Boston are purchased in China by bills on London, drawn against letters of credit issued by English capitalists, for which the latter charge a commission of two per cent. This commission and the premium on the exchange between New York and London would certainly be saved, if the funds required for the purchase of goods in China could be forwarded in gold and silver by means of regular mail steamers directly from San Francisco to Shanghae, against letters of credit issued in New York or Boston. By this means the New York or Boston banker would be substituted for the London banker, a new market would be opened to our precious metals, and we should save at least one or two freights, (to New York and Liverpool,) besides economizing interest and insurance. But the greatest saving would be in time, as the merchant in our Atlantic cities would be brought nearer to China from two to three weeks. To illustrate the whole operation by an example, let us suppose that a New York merchant wishes to invest, say $50,000 in the purchase of China goods. As the case now stands, he would be obliged to remit to his agent in China a credit on London to the amount of ten thousand pounds sterling, ($50,000.) The China agent would use this credit by selling his draft at the usual exchange of four shillings and tenpence, which would give him $41,379 31, the amount which he can invest in China goods for the New York market. The New York merchant would have to protect this draft from China, when it matures in London, by a remittance from New York sufficient to cover the amount of the draft and two per cent. commission charged by the London banker, say ten thousand two hundred pounds sterling ($51,000) at an exchange in New York say from nine to ten per cent. premium. Let us suppose it to be but nine per cent., or about four shillings one penny and two and a half farthings to the dollar, and he will have to pay for it $49,408 80, showing a difference of $8,029 49 between the sum he is to remit to the London banker, and the amount realized in China, which difference is to be added to the cost of the goods, or, which is the same thing, to be deducted from the profits on the sale of the goods.

Now, suppose we had a regular line of monthly steamers from San Francisco to China, so that the gold and silver bullion could be shipped directly from San Francisco against letters issued by New York merchants, the whole transaction would then resolve itself as follows:

The New York merchant would send a letter of credit to his agent in San Francisco, authorizing him to draw on New York, and directing him to sell his drafts in San Francisco, and to remit the proceeds in bullion to China for investment in merchandise.

The San Francisco agent would draw a bill on New York for $50,000, sixth months sight, which he would sell at four per cent. discount, amounting to $2,000, so that he would realize $48,000, the equivalent of which in bullion or coin he would ship directly to China.

The loss on this shipment in the shape of freight, insurance, interest, &c., would not exceed eight per cent., and would, if the business were once regularly established, be less, leaving in the hands of the China agent $44,160, namely:

Proceeds of sale of New York draft	$48,000
Less eight per cent. on $48,000	3,840
Balance	$44,160

The New York merchant, when the draft from San Francisco matures in New York, would owe $50,000, showing only a difference of $5,840 between the amount paid in

New York and the sum realized on his credit in China, which is less by $2,189 49, than the cost of the London credit, which was $8,029 49.

This very considerable difference on comparatively so small an investment would, perhaps, be diminished by two months' interest on the whole amount, owing to the different dates of the drafts. The proceeds of the San Francisco draft would have to be immediately invested in bullion for shipment to China, while the draft on London would not require to be drawn in China till the purchase of the cargo is completed, which would probably amount to the saving of sixty days' interest, or about one per cent. But even with this deduction made, the balance would still be largely in favor of the New York credit, while, at the same time, it would render the New York merchant independent of the London capitalist. Let the new process be once reduced to a system, and New York credits will be generally substituted for London credits—making New York, instead of London, the center of the great bullion trade of the world.

But the question may be asked, what is the American agent in China to do with his bullion if the goods which have been ordered are not in the market, or not attainable at the prices named in his letter of instruction? Well, in that case, he has only to invest the $44,160 in sterling bills at six months' sight, at the usual exchange of four shillings and tenpence to the dollar—the rate calculated in the London credit—and he would have in bills on London the amount of £10,672, which is £472 better than the £10,200 or their equivalent, at nine per cent. premium, $49,408 80 in New York.

In the computation of these exchanges the Hong Kong currency was taken for the basis. When remittances shall be made by our San Francisco and Shanghae steamers it will, of course, be necessary to use the Shanghae currency; but the principle will remain the same—a Spanish or Mexican dollar buying a dollar's worth of goods in either place.

At the present time, all purchases made by American merchants in China for export to California are made by means of foreign credits. Even if a credit on China is obtained at San Francisco, to be used in the purchase of goods at Hong Kong, the goods are bought by drafts on London, which are eventually protected by the San Francisco merchant, who pays the London banker a commission of two per cent. It is this dependence on British capitalists which colonizes our American-China merchants, taxing them for the benefit of the London bankers, allowing British navigators to earn freights, British insurance companies to effect insurances, and the lordly grocers in Leadenhall street—as the British East India Company are satirically styled—to assume the control of our eastern commerce!

To show how injuriously the present circuitous bullion route from San Francisco to New York, thence to Southampton, and thence to India and China, operates on our merchants, it is sufficient to state that the shipments of treasure of all kinds from San Francisco to China, in 1860, were less than $3,500,000; whereas, during the same year, £3,500,000 sterling, or about five times as much in silver, was shipped to China from Southampton.

That silver came from Mexico, and would undoubtedly have been sent to China by the way of San Francisco, at a great saving of freight, insurance, and interest on the outlay, had we had a line of steamers from San Francisco to Shanghae. Let such a line be established, and it cannot but change the bullion trade of the world. A line of steamers has already been established on the Pacific coast of Mexico, from Acapulco to San Francisco; steamers are also running from Chili, in South America, to Vancouver's Island, and other lines will be undoubtedly opened, all of which will act as feeders to the proposed line from San Francisco to Shanghae. I will here add the exports of silver from Southampton to India, China, and the Straits, for the last six years:

Year.	*India.*	*China.*	*Straits.*	*Total.*
1856.....	£8,331,505	£3,166,514	£565,972	£12,113,991
1857.....	11,378,017	4,479,315	874,583	16,731,915
1858.....	3,295,835	1,355,117	102,981	4,753,933
1859.....	11,163,384	3,374,250	290,887	14,828,521
1860.....	4,385,966	3,657,443	435,330	8,478,739
1861, to July 25,	4,159,684	574,358	83,016	4,817,058

The shipments from San Francisco to China in the year 1860 were as follows:

Gold bars, valued at	$1,803,523
Silver bars, valued at	135,260
Mexican dollars	1,423,169
Mexican ounces, (gold,)	8,000
Total	3,369,952
Shipped to Japan	94,200
Grand total	$3,464,152

From these statistical facts, which I have taken pains to obtain from the best and most reliable sources, Senators will, I trust, be sufficiently convinced that a line of monthly steamers from San Francisco to Shanghai, in China, would not only insure our independence of British capitalists, and save large sums, in the shape of commissions, freight, interest, and insurance, to our merchants, but also extend our bullion trade with China, change the direction of the silver bullion trade of Mexico, and thereby enhance the relative value of the precious metals, by transferring them at cheaper rates to those markets where they are exchanged for goods or employed in the liquidation of commercial balances.

The exchanges of California and the other States of the Union are now exceeding forty millions of dollars annually; and the cost of remitting treasure exceeds one and a quarter million. By securing the eastern markets to our precious metals, the entire gold production of California and the silver production of the inexhaustible Nevada mines may be in greater part absorbed in China in a few years, China remittances serving in that way not only the purposes of purchasing eastern

merchandise, but also of settling commercial balances due in China by English and French merchants. It is by operations like these that the city of New York will finally become the commercial center of the world, where all balances will in the end be adjusted.

These are our prospects, if we take advantage of our position, and develop, as we ought, the wealth and power which a kind Providence has bestowed on us; but how are we circumstanced at this moment. We are dependent on British steamers for mail facilities to Brazil, the coast of South America, the Mediterranean, the east and west coast of Africa, all the ports of India, the Mauritius, Singapore, Java, the Philippine Islands, Australia, and New Zealand; shall we also continue in the same state of dependence in regard to the ports of Japan and China?

Japan has, till within a late period, been entirely closed to our trade, and China was only accessible at certain ports. All this is now changed. Japan is ready to exchange her products with ours, and China sends not only her goods but her people to our shores. This trade, which has only just sprung up, must increase with the increase of our population and the development of our resources, aided, as it now is, and will continne to be, by the gradual removal of the obstructions which the Chinese Government still imposes on a certain portion of her commerce.

California has already felt the new impetus thus imparted to her industry and commerce, for it not only has stimulated her mercantile enterprise, but vastly increased her productions.

The whole number of tons of shipping which arrived at San Francisco, in the year 1859, was 59,831, of which 47,519 cleared for China, and 18,378 for other ports in the East Indies.

The arrivals from China were 27,814 tons, and from the East Indies 10,780 tons.

The value of cargoes was $2,662,241, and the freights thereon exceeded $400,000.

The imports of treasure into San Francisco for 1859 amounted to $2,516,152, and the exports to $47,640,462, (including precious metals,) of which $3,100,755 was sent to China in forty-five vessels. The amount shipped to China in 1860 was $3,374,680, in thirty-two vessels.

The exports of commodities, exclusive of bullion, increased $3,000,000, amounting in 1860 to $6,532,43[illegible], of which $4,918,336, or nearly *five millions*, were from California alone. The exports of barley increased from 15,000 sacks, in 1854, to 163,249 in 1859; while the wheat export, from 4,067 sacks, in value of $14,900, in 1854, had, in 1860, attained the valuation of $1,854,259. The exports of wool had, in like manner, increased from $14,000, in 1854, to $392,502, in 1860, showing an increase in material wealth under disadvantage of imperfect communication with the other States, and greater distance from the Government, unprecedented in the history of any other State in the Union. What we now ask is to be connected by steam with that country whose population alone exceeds one-third the whole number of inhabitants of the entire globe, and to be afforded thereby that security, which, from the nature of our geographical position, we stand more in need of than any other portion of our fellow-citizens in the Atlantic States or in the great valley of the Mississippi. Let us have the mercantile facilities which give value to our productions, by securing them the best markets; let shipbuilding on our Pacific coast, which will be undoubtedly *aided*, not interfered with, by the establishment of a line of steamers from San Francisco to Shanghae, increase with the extension of our commerce; and let the maritime population which is sure to spring up by such fostering care be our strong arm of defense against the aggression of a foreign foe.

The whole civilized world has recognized our mission to connect western Europe with eastern Asia by means of steam across our continent; let us prove ourselves equal to the task, and let us not be deterred from our purpose though we may be stunned by the roar of cannon and the clash of arms of a gigantic internal rebellion.

So far I have only considered markets, commissions, and prices; but TIME, too is a most essential element in all commercial transactions, and quick information, followed by "swift orders," a principal cause of success. Our China merchants depend not only for remittances on London bankers, but they also derive their information from all eastern ports through British channels. The news which our New York merchant receives from India and China has been known and published in London and Liverpool from ten to fifteen days earlier, and orders may have gone out from these cities to Calcutta, Hong Kong, and the ports of Japan, turning this earlier information to good account, and forestalling or clogging the markets, in which the American-China merchant appears at best but as a gleaner after the harvest has been secured by his British rival. The telegraphic communication between New York and San Francisco is only a partial remedy of this great disadvantage under which our traders with the East are now laboring; it will not be completely overcome and turned to our advantage until a regular monthly steam mail shall complete the chain of direct communication with Japan and China. Our San Francisco and New York merchants will then derive their information by the quickest and entirely American route, and will, no doubt, use their swift knowledge as readily and with the same substantial profits now enjoyed by their commercial rivals in European ports.

The trip from San Francisco to Shanghae, as I shall presently show, can easily be accomplished in thirty-five days, and with the present telegraphic communication the New York merchant can easily receive advices from his correspondent in China in *thirty-six*

days, whereas at present, by the Peninsular and Oriental route, *fifty-six* days to New York would be very quick time. The establishment of the San Francisco and Shanghae line, therefore, would quicken the information of the New York merchant to the full extent of *twenty days!*

Having thus shown the advantages of the line, and the eminent fitness of establishing it at this juncture, let me speak of the route itself, its probable expense, and the absolute necessity of aiding it by Government subsidies. First, of the route.

All agree that its natural terminus must be Shanghae, in China, and that the ships must touch at Honolulu, in the Sandwich group of islands; but there seems to be some difference of opinion as to whether they shall proceed from Honolulu to Peel island, one of the Bonin group, or to Kanagawa, in Japan, and thence to the terminus of the route in China. The route via Honolulu and Peel island is two days, say four hundred miles, shorter than that via Honolulu and Kanagawa; but the latter route offers greater inducements in the way of commercial advantages, and ought, in my opinion, to be selected.

Our trade with Japan is rapidly increasing, and the Japanese Government, as I have already had occasion to observe, is kindly disposed towards us, and inclined on its part to foster that trade. Eastern people are easily offended; they are great sticklers for etiquette, and not apt to forgive slights.

A line of American steamships from San Francisco to Shanghae, not touching at any Japanese port, would be construed into an unpardonable offence, and injure our growing trade with that empire in more than one respect. A mistake of that kind would be both a political and commercial blunder. The distances to be run have been computed as follows:

From San Francisco to Sandwich Islands	2,150 miles.
From Sandwich Isl'ds to Cape King, Japan	2,575 "
From Cape King to Kanagawa	60 "
From Kanagawa to Shanghae, China	1,125 "
Total	6,910 "

This whole distance could be run by a steamer, with an average speed of two hundred and twenty miles per day, in thirty-one and a half days; adding three and a half days for detention, coaling, &c., all could be easily accomplished in thirty-five days. A first-class steamer, equal in tonnage and power to one of our late Collins line, running at an average speed of two hundred and sixty-five miles a day, would accomplish this distance in a shorter period; but the expense of such steamers running such great distances, and being in consequence deeply laden with coal, would hardly be in proportion to the advantages derived from them. One of the Collins line of steamers would consume fifty-five tons a day, while a first class steamer of two thousand tons burden, with modern improvements of model, engine, and boilers, and without top-hamper of upper deck, &c., would not exceed an average consumption of twenty tons a day, and a war steamer of the same tonnage, such as it is proposed to build, would not exceed twenty-five tons a day.

Let us suppose that with economy and improvements the consumption of coal is reduced twenty tons a day, and computing the expenses of a line of steamers from San Francisco, via the Sandwich Islands and Kanagawa, in Japan, to Shanghae, in China, making an average speed of two hundred and twenty miles per day, and thirty-one days' *running* time, it would foot up as follows:

1. Four propellors of 2,000 tons each, costing each at San Francisco $3 .0,000		$1,200,000
2. Supply of coal for monthly trips from each port, requiring two coalings per month, and to have always six months' supply on hand, would require for each steamer from the Sandwich Isl'ds to Kanagawa, 3,600 miles, burning on an average 20 tons per day, say seventeen days' steaming, 340 tons of coal; and from the Sandwich Islands to San Francisco, against currents and head winds, allowing from thirteen to fifteen days' steaming, 300 tons of coal, with at least two additional days' supply each way, making 80 tons. Added together, the total required at the Sandwich Islands for each steamer 720 tons of coal. Six months' supply would be six times as much, or 4,320 tons, at an average cost, say, of $22 per ton, or for the whole, $95,000, as the *minimum* of the outlay indispensable to the successful prosecution of such a line of steamers.		
In addition to this, it would be required that a corresponding amount of coal should be constantly kept on the way to supply the wants of the steamers, which would at least involve a first outlay of coal	$25,000	
Which added to the sum of	$95,000	
Would make a total investment of		$120,000
A supply of coal must also be had at Kanagawa of nearly or quite the same amount as at the Sandwich Islands	$120,000	
And a supply of coal of at least 1,000 tons must be had at the Bonin Isl's to cover possible contingencies, at a cost per ton, *landed*, of at least $25	$25,000	
Total outlay for coal in foreign ports		$265,000
At San Francisco only half the amount of coal would be required which is necessary at the Sandwich Islands or Kanagawa, say		$60,000
Total amount of investment for ships and coal		$1,525,000

The expense of running the line to and from San Francisco to Shanghae and back, taking sixty-two days' running time, and five days' detention each way, and five days at Shanghae, making in all seventy-two days, to which must be added three days for discharge of cargo and paying off crew at San Francisco, making seventy-five days, at a probable cost of $60,000, would be as follows:

Twelve trips a year	$720,000
Seven per cent. interest on the original investment of $1,525,000	106,755
Insurance on cost of steamers, at eight per cent. per annum on $1,200,000	96,000
Insurance on investments in coal to the amount of $325,000, at three per cent	9,750
For repairs on steamers per annum	100,000
Depreciation on steamers per annum, say ten per cent	120,000
Grand total of yearly expense	$1,152,500

The receipts or earnings of the line may be safely estimated as follows:

Freights on bullion to Japan and China, say annually ten millions of dollars, (10,000,000,) at the rate of three quarters of one per cent	$75,000
Through passengers each trip, say twenty per trip, at $150 each	72,000
Through freight from China, average per trip, $3,000, on twelve trips	36,000
Through freights to China from San Francisco, at the beginning merely nominal	
Business with the Sandwich Islands per trip, say $5,000, twelve trips	60,000
Business between Kanagawa (Japan) and Shanghae, (China,) average per trip $7,500	90,000
Total	$333,000

or about one-third of a million of dollars, leaving an annual deficit of $819,500, or in round figures $800,000, to be covered by earnings for carrying the United States mail, by the increased commerce which the establishment of the line is to operate, or by the economy which skill, experience and practice will introduce in the management of the line.

The estimates here given are on the authority of the first business men of the country, whom I have consulted, and may be substantially relied on. There can be no doubt as to their correctness as far as the beginning of the enterprise is concerned, though, as the line would become better known, and its managers better acquainted with the wants and business capacities of each country, a reduction in its expenses and an increase in the earnings of the line may reasonably be expected.

Thus, in the beginning, the passenger trade would certainly be limited, so that twenty passengers each trip to China appears to be a very large allowance.

Up to this moment no vessel has carried China passengers from Shanghae to San Francisco, all Chinese travel being from Hong Kong direct by sailing vessels, which mode of travel will continue so long as Chinese emigration is confined to the laboring classes; but it is hoped that the establishment of a line of steamers to Shanghae, and the increasing liberality of the Chinese Government, may effect a change even in that respect, and that the increased facilities will also produce an increase of travel.

The amount of freight to be earned by the steamers will also remain small for some time, the bulky articles on which freights are principally earned from San Francisco to China being naturally carried in sailing vessels, and the voluminous articles of Chinese exportation to this country seeking the same means of transportation.

A large allowance, however, has been made in the estimates just submitted for freight on bullion. To carry $10,000,000 annually would require half the entire amount from European ports to be carried by our steamers. That our San Francisco and Shanghae line would eventually carry the *whole* of it, may not seriously be doubted; but for that purpose it must first have earned a reputation for safety, regularity, and dispatch, which, I fully believe, the line will enjoy after being once in operation, sustained by our Government.

That the steamers of this line will eventually carry passengers and goods besides bullion, we may, I repeat, *expect in the course of time;* also, that the expense of running the line may be reduced; but years must elapse before these advantages can be fully available to the company which engages in the enterprise. The first advantages derived from the establishment of the line will not accrue to the stockholders of the company, but to the merchants of New York and other Atlantic cities, as well as to those of San Francisco; and it will also accrue to the Government, which requires early information of what occurs in the East and on the Pacific, and to the whole people of the United States, who will thereby be brought in as regular communication with the people of Asia as they now are with the people of Europe.

It will, perhaps, be suggested that a line of steamers from San Francisco to Shanghae might carry a considerable amount of raw silks for European markets. Our own consumption of raw silk for manufacturing purposes is as yet very small; but the European consumption of raw Chinese silk has, during the last few years, wonderfully increased, France importing probably not less than $20,000,000 worth per annum. The silk crops of Upper Italy, on which the French manufacturers heretofore chiefly relied, have for many years past partially failed, and the disturbed state of that country, which has so recently been the theatre of "war and rumors of war," is naturally opposed to the peaceful operations of industry and commerce. China raw silk, moreover, possesses considerable advantage over the best Italian silk, especially in the manufacture of the more elegant lustrous textures, and will, on that account, remain a permanent article of exportation from China to England and France, and in all probability to Italy herself; but it is scarcely probable that our California and China steamers will ever carry any considerable portion of that merchandise. Few costly articles bear transhipments, and China silks from Shanghae to Havre and Liverpool would need to be twice transhipped: once in San Francisco, and once or twice on the Isthmus of Panama.

This disadvantage is shared by silks shipped by the Peninsular and Oriental Steamship Company, but with less damage, as I am about to show. Silk is a delicate article, which requires skillful handling, and in regard to which the *personnel* of the British Peninsular and Oriental Steamship Comwany have acquired an experience and dexterity against which it is hopeless for any new line to compete with success. It would be difficult and expensive to effect insurances against loss or injuries sustained by so costly and delicate an article on a new line, and a reduction of freight on the Peninsular and Oriental line might, for the present, take that trade entirely from our steamers.

Neither can we expect to carry passengers

from and to Europe by our California and Panama lines, to and from China. Passengers from Shanghae, by that way would require from seventy-five to seventy-eight days to reach the port of Southampton; whereas the Peninsular and Oriental line carries them in from fifty-three to fifty-five days, by the Isthmus of Suez, the average distances run being these:

	Days.
From Shanghae to Hong Kong	7
From Hong Kong to Point de Galle	19
From Point de Galle to Suez	13
From Suez to Alexandria	2
From Alexandria to Malta	4
From Malta to Southampton	8
Total	53

These distances are of course not run by the same steamers, but by those corresponding with one another, and belonging to the same company, so that one is ready to start as the other arrives and transfers her passengers and treasure.

By the Panama route the time would be as follows:

	Days.
From Shanghae to San Francisco	35
Time and detention in San Francisco, at least	3
From San Francisco to Panama, usual passage	14
Detention at the Isthmus, and at Aspinwall, at least	3
Aspinwall to Southampton, usual passage	18
Total	73

We cannot, expect, therefore, that our San Francisco and Shanghae line will ever become the mere passenger route to and from China, especially now, when the work of piercing the Isthmus of Suez is steadily progressing toward completion, making the whole route from Southampton, England, or Marseilles, France, a water route; nor can we reasonably expect to carry merchandise from China to or from European markets. It is quite a different thing, however, with bullion, which is chiefly produced on this continent, and the largest portion of it in our own country or with commercial men making a round of business engagements.

A subsidy from our Government, as low as $500,000, for which a return is made by carrying the mail and munitions of war, besides protecting our commerce and whalers in the Pacific ocean, and thereby saving the Government the expense of keeping three or four vessels of war in commission in those waters, is therefore the *minimum* I can ask for the proposed San Franciso and Shanghae line of steamships; that sum being, as I think I have shown, the smallest that can induce capitalists to embark in the establishment of such a line, with a reasonable hope of continuing it with success.

We do not wish Government to hold out insufficient inducements; neither do we desire any company to come periodically here soliciting additional aid and protection. Let us do justice to ourselves, a company who may undertake it, and the country, by making at once an adequate appropriation to secure the accomplishment of our design; and let us trust the enterprise, perseverance, and ingenuity of men who engage in this great work, that they will prosecute it to an issue creditable to the commercial and maritime reputation of themselves and their countrymen.

And now, Senators, after explaining the policy and necessity of this line in a military point of view; after demonstrating the vast commercial advantages which would flow from it to our merchants in the eastern cities, and to the country generally; after clearly establishing the fact that without such a line our merchants must continue to depend on British mail facilities for correspondence and information; what is it that the citizens of loyal California ask of your generosity and patriotism?

A simple mail contract to the amount of not more than $500,000, not permanently, but merely for a period of not more than five years, to carry the United States mail in *armed* steamers, monthly, from San Francisco, by the way of the Sandwich Islands, to Kanagawa, in Japan, thence to Shanghae in China, and back again, by the same route, to the same port.

The vessels to be of not less than two thousand tons burden, adapted to the navigation of the Pacific ocean; to be commanded for greater Government security by an officer of the United States Navy; to be employed both in carrying a mail and in protecting and increasing American commerce. The equipment and armament of these vessels shall be under the control of the Secretary of the Navy, in the same manner as if they were a part of the American Navy; to be in all other respects assimilated to men-of-war in the regular service. No party or parties of speculators or contractors, as I have said in opening the subject to you, are waiting or lying in ambush to sieze upon your appropriation to further exclusive private interests.

The bill provides that the Government shall give the contract to the lowest bidder, taking proper securities for its fulfillment. Neither is anything to be paid to contractors, except that portion of the annual sum in the way of compensation not covered by postages received by the line.

With the annual increase of those postages, the amount to be furnished out of the Treasury of the United States would constantly diminish, and it is not at all impossible that after the line shall have been in successful operation for a number of years, its whole expense to the Government may be defrayed by postages alone.

In the estimates of the probable expenditures and receipts of the line, which I have just submitted to you, and which I had the honor to assure you were based on the experience of our best merchants and navigators, an excess of $800,000 of the expenditures over the receipts would have to be provided for by the Government; but the annual stipend provided for in this bill is only $500,000, leaving still a deficiency of $300,000 to be covered by the ingenuity and inventive genius of our shipowners and merchants, not, perhaps, directly by the earnings of the line, but by such mediate openings of trade as

experience and enterprise will suggest and use.

What more powerful stimulus could be given to any company to devote itself with zeal and discretion to the object of their association! The line, therefore, which it is here proposed to establish, answering all the purposes contemplated in the bill, will tax the proverbial ingenuity of men who engage in such enterprises to the utmost to protect themselves from loss.

We shall by this establishment add an active force to our national Navy; we shall appear as a maritime Power in the Pacific ocean; we shall render our merchants commercially independent of Great Britain, and we shall create new avenues of wealth for the mercantile genius of our people. There can be no stronger inducements to legislation than these; no nobler task for legislators than by their acts to promote the enterprise, wealth, security, and power of their country!

The benefits of this bill will inure not merely to California, but increase our national reputation and standing, and elevate us as a people. I urge the passage of this bill in the name of civilization and progress, and with a view to our *independence* as a great commercial Power; I urge it on the score of our national honor, which is constantly exposed to insults from foreign nations while our Pacific coast is unprotected by an adequate steam navy; and I ask it in the name of religion, the seeds of which, if the provisions of this bill are honestly carried out, will be planted through this medium in distant climes, destined to be redeemed from the darkness of superstition.

It is not merely the patriotic citizens of the loyal State of California who, through their representatives in Congress, ask your cooperation in what they deem a national enterprise, the far-sighted citizens of the loyal Empire State have equally made an appeal to your undoubted liberality and statesmanship. The New York Chamber of Commerce memorialized Congress almost simultaneously with the Chamber of Commerce of San Francisco in aid of the same object. The memorial of the chamber of San Francisco bears date November 29, 1861, and that of New York is dated December 5, 1861, both express the same sentiment and urge the same reasons for accomplishing a great national object. They believe, and the people of the great State of New York are convinced, that the establishment of a line of mail steamships from San Francisco to Shanghae, in China, is a necessary part of our system of national defense, as much dictated by prudence, forecast, and true statesmanship as our river and harbor defences on the Atlantic coast or the fortifications on our western lakes and harbors.

California is, in many respects, the richest and one of the most enterprising of States. She is the greatest prize, the most imperial jewel that a foreign foe or coalition of foreign enemies to our country would dare to cast a covetous eye upon. Her position is exposed, and her population is, as yet, in no proportion to the vastness of her dominion, her length of sea-coast, her inexhaustible mineral wealth, and her boundless agricultural resources.

Yet, small as the number of our people may be compared to the princely domain, which it has pleased Providence to open to their enterprise and labor, their hearts are stout, their will is strong, their spirit resolute, and their loyalty and devotion to good government as boundless as the ocean which laves their shore

She will stand by the Constitution and the Union as long as civilization shall endure on this continent—as long as the memory of Washington shall be cherished by his countrymen. We do not come in fear and trembling, as the inhabitants of a distant province, to seek the protection of a strong central Government; we are willing and resolved to do our part as men in supporting and upholding that Government, through which we have prospered, though all the Powers on earth were to conspire to produce its ruin.

All that we ask is to aid us in carrying out our strong resolution; to co-operate with us in the patriotic attempt to establish our commercial and maritime independence of Great Britain, and to create and develop within ourselves the means of repelling foreign aggression, and competing successfully with foreign enterprise.

When we reflect on the vast expenditures entailed on our country by this revolution, when we count the millions it has already swallowed up, and the millions that are yet to be expended, to render the country safe against all complications, a small *bonus*, conditionally asked, to enable us of remote California to contribute our share in maintaining our national honor and supremacy, appears indeed trifling.

Let us show to the world that our arm is not palsied, our recuperative energies not spent, nor our undaunted spirit humbled by even a gigantic internal struggle. Now is a proper time to prove to the world that we have surrendered none of our high purposes; that we are still equal to the execution of all the magnificent designs which as men, with an undying faith in our great mission, we have dared to conceive. All national progress, all greatness of character, all real virtue, is in *action;* to stand still is to recede, and to recede is but the beginning of national decline.

Mr. President, in this hour of trial, I, for one, cannot doubt my countrymen; cannot for a moment give room to the thought that this great country of ours, this world in itself, blessed with everything that Heaven can bestow on land and people, is to be annihilated by folly and crime? Vast, as it is, and capable of sustaining a larger population in proportion, than all Europe, nature intended that its magnificent domain should be inhabited by one great people, of common

origin and blood, a common language, a common literature, a common inheritance of manners and customs, a common wealth, and a common history—no *imperium in imperio!*

All our great rivers, the great arteries of commerce, flow from north to south; all our mountain chains run from northeast to southwest, equalizing, far more than the difference in latitude would warrant, our climate, and producing greater uniformity of temper and disposition in our people, north and south, than is observed among the inhabitants of other continents.

The southerly winds from the Gulf of Mexico are as exhaustingly felt in Boston as in Savannah; and the northern gale, blowing from the Polar Sea, is as chilly in New Orleans in the midst of winter as on the northwestern lakes.

The natural productions of the North and South may vary, and create a mutual dependence of one section of our country on the other; but the people, with all the pains which short-sighted persons have taken to prove the contrary, do not demand two distinct classifications, and should be indissolubly bound together in fate and fame. And though fratricidal hands be still uplifted in bloody strife against a common national glory, let us still beseech the God of nations and of battle to preserve and bring us forth a great, magnanimous, overshadowing people, whose influence shall be felt on every continent and in the most remote corner of the globe, and whose history may yet for many years continue what it was, an unfinished epic.

Instead of a fatal dualism, which ruined Greece, divided Rome, and now divides our strength, rendering us paralyzed at home and helpless to resist coalitions of foreign Powers, we shall then be again a glorious unit, rejoicing in the manhood of our national strength.

May the time soon come when patriotism will doff his sectional shackles, and embracing once more the national faith, gather, as in days of yore, round the old and honored national standard.

May the lost Pleiades be restored from the night of their present aberration to that brilliant galaxy of stars emblematic of our fixed faith, and typical of our pathway of onward progress.

RESOLUTION OF SENATOR WILKINSON, OFFERED THE 16TH OF DECEMBER, 1861.

WHEREAS, The Hon. JESSE D. BRIGHT heretofore, on the 1st day of March, 1861, wrote a letter, of which the following is a copy:

"WASHINGTON, *March 1st*, 1861.

"To His Excellency JEFFERSON DAVIS,
"*President of the Confederation of States.*

"MY DEAR SIR: Allow me to introduce to your acquaintance my friend, Thomas P. Lincoln, of Texas. He visits your Capital mainly to dispose of what he regards a great improvement in fire-arms. I commend him to your favorable consideration as a gentleman of the first respectability, and reliable in every respect.

"Very truly, yours,

"JESSE D. BRIGHT."

And whereas we believe the said letter is evidence of disloyalty to the United States, and is calculated to give aid and comfort to the public enemies, therefore,

Resolved, That the said JESSE D. BRIGHT be expelled from his seat in the Senate of the United States.

Referred to Judiciary Committee.

REPORT OF COMMITTEE.

The Judiciary Committee, to which was referred the Resolution to expel the Hon. Jesse D. Bright from his seat in the United States Senate, respectfully

REPORT.

That they are of opinion the facts charged against Mr. BRIGHT are not sufficient to warrant his expulsion from the Senate, and they therefore recommend that the resolution do not pass.

Upon Report the vote stood in Committee—

For it, FOSTER,* (Republican.)
TEN EYCK, "
COWAN, "
HARRIS, "
BAYARD, (Democrat.)
POWELL, "

Against it, TRUMBULL, Chairman, (Republican.)

* Mr. Foster subsequently voted for expulsion.

SPEECH.

Mr. LATHAM said:

Mr. PRESIDENT: During the two years that I have been a member of this body, upon only two occasions have I occupied the attention of the Senate on any subject that did not relate immediately to the constituency which I here represent. The duties of a representative of a new State, are sufficiently arduous in themselves to occupy quite as much of legislative time as belongs to him. I have always endeavored to follow the advice which I recollect to have read of Cato the Younger, who, when told by one of his friends, "Cato, the world finds fault with your silence," replied, "I shall begin to speak when I have things to say that deserve to be known." I should preserve my silence upon this occasion, as I have heretofore done, if I did not believe that now, at the close of this debate, there were facts and things which should be brought to the attention of this body, before it acts upon so grave and serious a matter as the expulsion of one of its number.

We seem, sir, to be occupied more with the present than is consistent with the remembrance of the past; to be actuated by impulses which are now living and moving within our hearts in the great national struggle in which we are engaged. rather than to be possessed of a recollection of the condition of this body, and of the country, when the offense charged upon the Senator from Indiana was committed.

We live, sir, in strange times—times, I venture to say, of which no man in this body, however gifted he may be with superior intelligence and knowledge, can foresee the final result. It is an era of revolution; and what accompanies all revolution, there is broadcast a spirit of distrust and of suspicion, a necessary concomitant, as it were, of all great upheavings in political and social organizations. Friend suspects friend, and neighbor suspects neighbor. Distrust enters the fireside; yes, even into the sanctuary of "Him who rides upon the storm." I had hoped, and I will still believe, that at least in this body—the most conservative known to our Constitution and laws, more sacredly guarded than any other branch of our Government—we can act without prejudice, passion, or an undue influence of the suspicion of the times, but with that degree of independence and dignity which have always belonged to the American Senate. If, however, I am mistaken in this, I may well say, as did Rosse, the nobleman of Scotland:

"Cruel are the times when we are traitors
And do not know ourselves; when we hold rumor
From what we fear, yet know not what we fear,
But float upon a wild and violent sea,
Each way and move."

The honorable Senator from New York, [Mr. HARRIS,] in his address on last Friday, correctly told this body, it was a fixed principle of all jurisprudence that each man was to be punished for a crime, according to the laws in existence at the time of the commission of that crime; that it was regarded as so great a violation of well-settled principle to punish for an act which was not a crime at the time of its commission, that all your constitutions and bills of rights have expressly guarantied that there shall be no *ex post facto* law. If this be so of law, it is equally so of public opinion. The public opinion of to-day is not the public opinion of the 1st day of March last. The public opinion of to-day will not, judging by the past, be the public opinion of the 1st day of October next. The Senator from Indiana, therefore, when he wrote the letter upon which he is now arraigned at the bar of the Senate, is to be judged by the public opinion of the 1st day of March last. As an humble Senator upon this floor, I protest in my place, as representing a loyal constituency, against judgment being passed upon members of this body for sins that they may have committed when the voice of the people was entirely different from what it is to day.

Mr. President, it is an unpleasant duty for me to recall our condition on the 1st day of March last. It is like the recollection of a horrid vision. Nothing but a sense of duty and the reasons which operate upon my own mind in making up my judgment as to how I shall vote upon the pending question, would induce me to refer to acts which occurred before this body—to declarations made, to treason disclosed upon the floor of the Senate at the period to which I refer. At that time the Senators from Texas, the Senators from Virginia, and several others who are now leaders in this great rebellion, had a voice upon this floor. They had a right to vote and control the legislation of the country. They moulded your policy. They voted in secret session upon all questions affecting your foreign relations, and in open session on all which related to your domestic concerns. Notwithstanding their presence, there was still a majority here on the 1st of March faithful to your Government, and who have proved it by their subsequent acts.

Now, sir, what occurred subsequent to the 1st day of March? The resolution offered by the Senator from Minnesota says that the letter written by the Senator from Indiana upon the 1st day of March is evidence of his disloyalty, and for that reason he should be expelled from this body; I state merely the substance of the resolution. Now I submit the question to every Senator here, if this letter

had been produced upon the 1st day of March, if it had been seized upon the person of Mr. Lincoln before he left the city of Washington, and had been read at the Secretary's desk, would this body then have expelled the Senator from his seat in the Senate? That is the correct criterion for us to determine what we should have done under public sentiment as it existed then. For my part, I unhesitatingly say that this body would not have expelled the Senator from Indiana. Nay, more, sir; I venture the prediction that if the letter had been read by the Senator from Minnesota in the Senate, on the 2d day of March last, it would have fallen harmless and indifferent upon our ears, and if you had expelled him you would have visited judgment such as you were unwilling to visit upon any other member. You would have dealt more rigorously, more severely with the Senator from Indiana for writing that letter than you were willing to, with those, who by their subsequent acts, have shown their disloyalty and are now arrayed in arms. Sir, let me read to the Senate, what probably many members of this body recollect full well, the language used by one of the Senators from Texas on this floor, on the 2d day of March last, the day after this letter was written by the Senator from Indiana; I read from the Congressional Globe of the Thirty-Sixth Congress, second session, page 1398:

"But as things are, it is useless, I am satisfied, to talk about a reconstruction. This Federal Government is dead. The only question is, whether we will give it a decent, peaceable, Protestant burial, or whether we shall have an Irish wake at the grave. [Laughter.] Now, I am opposed to fighting, and would prefer a peaceable burial; but if the Republican Senators insist upon fighting, and they can get the backbone again put into their President-elect, and can get Mr. Chase reinstated in the Cabinet, from which he has been expelled, I do not know but that we shall have to fight. If their President has recovered from that 'artificial panic' under which he was laboring a short time ago, under the advice of the Lieutenant General and the Secretary of War (I believe they advised him to be frightened, so say the Republican papers in defense of him; it was done by the card; he goes by the platform;) if they can recover him from that artificial fright under which he was laboring and get him to take the Chicago platform fair and square, we shall have a fight; otherwise we shall not. I think myself it would be for the benefit of both sections that we should not have an Irish wake at our funeral; but that is for the North to decide, and not for us. Believing—no, sir, not believing, but knowing—that this Union is dissolved, never, never to be reconstructed upon any terms—not if you were to hand us blank paper, and ask us to write a constitution, would we ever again be confederated with you. Your people have been taught to hate us; your people have been taught to hate our institutions; your people have been taught to believe that you are Pharisees; that your phylacteries are full; that you are entitled to the high places in the synagogue; and you come and thrust yourselves into our presence, and thank God before our faces that you are not like us poor publicans, and your company has become distasteful to us; you tell us that ours is distasteful to you; we say, 'grant it, then we will separate;' and you say we shall not. Then we are going to make the experiment, and we will trust in Providence."

Here was a bold declaration made upon the floor of the Senate by the Senator from Texas that they were for war, that they meant war, that the Union of our fathers was dissolved, and that he spoke from his seat merely by the comity of this body. Well, sir, he did not rest there. In a subsequent part of the same speech, he said:

"I was saying, Mr. President, that the parenthesis that is now incumbent in the War Office, following, unfortunately, the advice of the Lieutenant General, attempted, in a very feeble way, coercion. The Senator from Illinois seemed to be shocked at my speaking with a feeling of gratification at the flag of what he chooses to call my country being insulted. It is not the flag of my country, I hope and believe; but I have not official information on that point. That flag was never insulted with impunity until it floated over a cargo of Black Republican hirelings, sent to one of the sovereign States of this Union to coerce them to obedience to a Government that was distasteful to them."

At this point he was interrupted by the Senator from Wisconsin:

"Mr. DOOLITTLE. I think I shall rise to a question of order. If the Senator from Texas does not know whether he belongs to this country or not, if he is really a foreigner in his own estimation, I desire to know whether he is in order in addressing the Senate of the United States. [Laughter.]

"Mr. WIGFALL. I think the point is well taken; and if the Senator and those who act with him, will acknowledge my State to be out of the Union, I will take my seat without a word further."

He subsequently went on to say:

"A shot was thrown athwart the bow of the vessel containing armed men; they displayed a flag, and it was fired at. I did say that that vessel had swaggered into Charleston harbor, had received a blow in the face, and had staggered out; and that the Secretary of War, who had brought the flag of this country in a condition to be fired at, had never dared from that time to this, to resent the injury and insult; and in consequence of that, the State to which I owe my allegiance has withdrawn and cut loose from all connection with a Government that allows its flag to be so insulted. She has plucked her bright star from a bunting that can be fired at with impunity. If your President elect has recovered from that artificial fright, see if you cannot induce him to try and wipe out the insult; but I predicted last night that he would not; and I predict again that he will not. You fear to pass your force bills; you abandon them in both Houses. If you can get a Cabinet properly organized, with fire-eaters enough in it, the Cabinet may precipitate the country into a war, and then call upon what is denominated the conservative elements of your party to sustain the country in a war in which you have already involved it; but I know, and you know, that those men whom you represent are not in favor of war, and that their representatives here, a large number of them, fear it. What will be the result, I do not know; and, to be very frank, I do not care.

"Now, having explained why it was that I felt rejoiced at this insult to the flag of your country, I shall take up very little more time. The country is composed of States; and when that Government which was established by those States, and that flag which bears upon its broad folds the stars representing those States, is used for the purpose of making war upon some of those States, I say that it has already been degraded, and that it ought to be fired at, and it should be torn down and trampled upon. These are my feelings upon the subject; and 'if this be treason, make the most of it.' I owe my allegiance—and Senators are not mistaken about that, for I have said it frequently—to the State which I here represent."

I have read, Mr. President, somewhat at length, what the Senator from Texas said upon this floor on the 2d day of March. Does any gentleman pretend that a Senator could rise in his seat and say that to-day? Yes, sir, he said it, and this body sat quietly by and heard him say it. They heard him defend an insult to the flag of our country, and to boast, in the hearing of the Senate, in the terms which I have read, that, if for no other reason, he wanted to withdraw from a Government that had not independence and pluck enough to assert its own dignity. Mr. Wigfall was one of the chief spirits of this whole rebellion. If

Mr. Davis was the Achilles, Mr. Wigfall was his *fidus Patroclus*. As several Senators sitting on this side will recollect, he directed his public documents to "Jefferson Davis, president of the confederate States, Montgomery, Alabama," under his frank, and passed them from desk to desk long after the 1st of March, while he continued to occupy a seat upon this floor, making an exhibition of his distaste and contempt for our Government. I ask the honorable Senator from Massachusetts [Mr. SUMNER] if he boils over with such indignation at this letter of the Senator from Indiana; if he now regards it in so heinous a light; if he can find no other parallel to express his hatred except to compare the Senator from Indiana to Catiline, why did he not, as the Cicero of the Senate, rise in his seat and denounce the gentleman who uttered such language upon the floor of the Senate? Compared to his offense, that of the Senator from Indiana is like the flickering of a rush-light to the blazing sun, or if you choose the other comparison of darkness, a London fog to Cimmerian darkness. In the estimation of the Senator from Massachusetts, the Senator from Indiana is a Catiline—the most ignoble character recorded in history, who outraged his own daughter, murdered his own brother, and, to bind himself with his confederates against the government that he was about to overthrow, sacrificed a human body and partook of the flesh. But no, sir, the Senator from Massachusetts sat as quiet and as calm as a summer day. There was no reverberation of the thunders of his eloquence and hurling of his shafts of fierce bitterness and sarcasm against one boasting openly of his disloyalty to the Government until he drove him from the Senate, when he might have exclaimed in the sublimity of his denunciation, as Cicero did, "*abiit, excessit, evasit, erupit.*" An earnest and faithful Senator from the State of Connecticut, [Mr. FOSTER]—if he will permit me so to style him, for I recognize in him a gentleman who never speaks on this floor except with earnestness and sincerity—feeling the wrong and outrage perpetrated on this body, rose in his seat, some days later, it is true, and offered this resolution. I read from the Journal of the proceedings of March 8, 1861:

"Mr. FOSTER submitted the following resolution for consideration:

"Whereas, L. T. Wigfall, now a Senator of the United States from the State of Texas, has declared in debate that he is a foreigner; that he owes no allegiance to this Government; but that he belongs to and owes allegiance to another and foreign State and government:

"*Resolved*, That the said L. T. Wigfall be, and he hereby is, expelled from this body."

Was that resolution adopted? If you will turn a little further on you will find that it came up on the 11th of March; I quote from the Journal:

"On motion by Mr. FOSTER,

"The Senate proceeded to consider the resolution submitted by him the 8th instant, to expel Hon. L. T. Wigfall from the Senate; and

"On motion by Mr. CLINGMAN, to amend the resolution by striking out all after the word 'whereas,' and in lieu thereof inserting, *it is understood that the State of Texas has seceded from the Union, and is no longer one of the United States: Therefore,*

"*Resolved, That she is not entitled to be represented in this body.*

"Pending debate,

"On motion by Mr. CLARK, that the Senate proceed to the consideration of executive business,

"It was determined in the affirmative."

The subject then went over to the 12th of March; and on that day, ten days after the letter of the Senator from Indiana, was written, what did the Senate do?

"The Senate resumed the consideration of the resolution submitted by Mr. FOSTER, the 8th instant, to expel Hon. L. T. Wigfall from the Senate; and,

"On motion by Mr. SIMMONS,

"*Ordered*, That the resolution, with the amendment proposed by Mr. CLINGMAN, be referred to the Committee on the Judiciary."

I need but recall the fact that in that committee room, it slept the sleep of death, as quietly as if buried in the "tomb of the Capulets." Ten days after the letter complained of was written by the Senator from Indiana, the Senate emphatically, by its own vote—for the reference of it to the Committee on the Judiciary was that decision—refused to expel the Senator from Texas for language such as I have here read, for boasts unprecedented in their nature, and for an outrage which every Senator knows would not for one instant be tolerated on this floor to-day.

The action of this body did not end here, sir. It was extended to other Senators that were as deep in the guilt of this revolution as was the Senator from Texas. The honorable Senator from New Hampshire, [Mr. CLARK,] in the remarks that he submitted to the Senate on Friday, read to you an extract from a speech made on this floor by the President of the so-called southern confederacy, as proof that the Senator from Indiana must have known what their purposes were, and that knowing them, he too was equally as guilty as the Senator from Mississippi. With all due courtesy and respect to that Senator, he will pardon me for saying, that if he knew them he knew more than any other Senator at that time; and if he sat quietly by and heard the speeches made by Toombs and Iverson and Benjamin and Davis, and knew what their designs and intentions were, and permitted them to go from this body and this city unarrested, he is as guilty as the Senator from Indiana, and of quite as high an offense, known to the law as *misprision of treason*. A distinguished Senator of Rome once said that "a senator should be as solicitous for his Government as the bee is for her hive;" and if he had been faithful to this Government, if he had known the crimes they were about to perpetrate, if he foresaw the condition of affairs which existed after the 12th day of April, I ask why it was that he sat quietly in his seat and did not have them arrested before they left this body, as traitors to your Government, and as guilty of treason against your Constitution and your laws?

Mr. President, let me recall to the attention of the Senate what those gentlemen said. I

read it, not for the purpose that the honorable Senator from New Hampshire did, of showing knowledge on the part of the Senator from Indiana, or any one else, of the intent or purpose of those gentlemen, but to show what they said, and what this body afterwards refused to do as a just punishment and rebuke for their language and conduct. I desire, first, to call the attention of the Senate to language used on the 7th day of January, 1861, by a Senator from the State of Georgia, who I believe was afterwards Secretary of State of the so-called confederate States. He was never expelled from this body; more than that, he never even took formal leave, but went defiantly; and no attempt was ever made even to place upon him the stigma that we, in the month of July last, placed upon other Senators, by including them in a general resolution of expulsion. On the 7th of January, 1861, Mr. Toombs said:

"The success of the Abolitionists and their allies under the name of the Republican party, has produced its logical results already. They have for long years been sowing dragons' teeth, and have finally got a crop of armed men. The Union, sir, is dissolved That is an accomplished fact in the path of this discussion, that men may as well heed. One of your confederates has already, wisely, bravely, boldly, confronted public danger, and she is only ahead of many of her sisters because of her greater facility for speedy action. The greater majority of those sister States, under like circumstances, consider her cause as their cause; and I charge you in their name to-day, "Touch not Seguntum." It is not only their cause. but it is a cause which receives the sympathy, and will receive the support of tens and hundreds of thousands of honest patriotic men in the non-slaveholding States, who have hitherto maintained constitutional rights, who respect their oaths, abide by compacts, and love justice. And while this Congress, this Senate, and this House of Representatives, are debating the constitutionality and the expediency of seceding from the Union, and while the perfidious authors of this mischief are showering down denunciations upon a large portion of the patriotic men of this country, those brave men are coolly and calmly voting what you call revolution —ay, sir. doing better than that: arming to defend it They appealed to the Constitution, they appealed to justice, they appealed to fraternity, until the Constitution, justice, and fraternity were no longer listened to in the legislative halls of their country, and then, sir. they prepared for the arbitrament of the sword; and now you see the glittering bayonet, and you hear the tramp of armed men from your capital to the Rio Grande. It is a sight that gladdens the eyes and cheers the heart of other millions ready to second them. Inasmuch, sir, as I have labored earnestly, honestly, sincerely, with these men to avert this necessity so long as I deemed it possible, and inasmuch as I heartily approve their present conduct of resistance, I deem it my duty to state their case to the Senate, to the country. and to the civilized world."—*Congressional Globe, Thirty-Sixth Long., second session*, page 267.

Here was an open declaration made by the Senator from Georgia upon this floor, that he had armed his people to resist your Government and laws, that he advocated their cause, that he approved of their acts; and yet not one voice was raised demanding that he should be expelled from our Halls or that punishment should be visited. How did he wind up that address?

"You will not regard confederate obligations; you will not regard constitutional obligations; you will not regard your oaths. What, then, am I to do? Am I a freeman? Is my State, a free State, to lie down and submit because political fossils raise the cry of the 'glorious Union?' Too long already have we listened to this delusive song. We are freemen. We have rights; I have stated them. We have wrongs; I have recounted them. I have demonstrated that the party now coming into power has declared us outlaws, and is determined to exclude four thousand millions of our property from the common Territories; that it has declared us under the ban of the empire, and out of the protection of the laws of the United States everywhere. They have refused to protect us from invasion and insurrection by the Federal power, and the Constitution denies to us in the Union the right either to raise fleets or armies for our own defence. All these charges I have proven by the record; and I put them before the civilized world. and demand the judgment of to-day, of to-morrow, of distant ages, and of Heaven itself, upon the justice of these causes. I am content, whatever it be, to peril all in so holy, so noble a cause. We have appealed, time and again, for these constitutional rights. You have refused them. We appeal again. Restore us these rights as we had them, as your court adjudges them to be, just as all our people have said they are; redress these flagrant wrongs, seen of all men, and it will restore fraternity and peace and unity to all of us. Refuse them, and what then? We shall then ask you, 'Let us depart in peace.' Refuse that. and you present us war. We accept it; and inscribing upon our banners the glorious words 'liberty and equality,' we will trust to the blood of the brave and the God of battles for security and tranquillity."

Does any one suppose that a speech of that kind would be tolerated on the floor of the Senate to-day? *Tempora mutantur.* What we listened to patiently, quietly, under the influence of public feeling and opinion then, would not for one instant be tolerated at the present time; and why? We regarded them as but the vaporing platitudes of bravado, and not as the language of men who were really in earnest and meant what they said. This body, as well as the country, believed that these were efforts made by the leaders of the great southern rebellion to force the dominant party of the country into compromises without which they said they were unwilling to continue as members of our American Confederacy. Why, sir, let me read to you a short passage which the Senator from New Hampshire, in alluding to the remarks made by the president of the so-called southern confederacy, did not call the attention of the Senate to on Friday. I read from Mr. Davis's speech of January 21, 1861:

"Secession belongs to a different class of remedies. It is to be justified upon the basis that the States are sovereign. There was a time when none denied it. I hope the time may come again, when a better comprehension of the theory of our Government. and the inalienable rights of the people of the States, will prevent any one from denying that each State is a sovereign, and thus may reclaim the grants which it has made to any agent whomsoever.

"I therefore say I concur in the action of the people of Mississippi, believing it to be necessary and proper, and should have been bound by their action if my belief had been otherwise."

Upon the 21st of January, 1861, Mr. Jefferson Davis told you that he approved of the act of his State in entering into an alliance against your Government, and forming an *imperium in imperio* at the city of Montgomery, in the State of Alabama. What occurred subsequently? Another Senator from the State of Georgia, (Mr. Iverson,)—it is true, more violent in his temper, but no more in earnest than the gentleman whose language I have quoted—on the 28th of January, 1861, said:

"We care not in what shape or form, or under what pretexts you attempt coercion. We shall consider and treat all and every effort to assert your authority over us as acts of war, and shall meet and resist them. You

may send your armies to invade us by land; your ships to blockade our ports, and destroy our trade and commerce with other nations. You may abolish our ports of entry by act of Congress, and attempt to collect your Federal revenues by ships of war. You may do all or any of these or similar acts They will be acts of war, and will be so understood and treated; and in whatever shape you attack us we will fight you. You boast of your superior numbers, and your greater strength. Remember that 'the race is not always to the swift, nor the battle to the strong.' You have your hundreds of thousands of fighting men. So have we; and fighting upon our own soil, to preserve our rights, vindicate our honor, and defend our homes and firesides, our wives and children from the invader, we shall not be easily conquered. You *may possibly* overrun us, desolate our fields, burn our dwellings, lay our cities in ruins, murder our people, and reduce us to beggary; but you cannot subdue or subjugate us to your Government or your will. Your conquest, if you gain one, will cost you a hundred thousand lives, and more than a hundred million dollars. Nay, more, it will take a standing army of a hundred thousand men, and millions of money annually to keep us in subjection. You may whip us: *but we will not stay whipped.* We will rise again and again to vindicate our right to liberty, and to throw off your oppressive and accursed yoke, and never cease the mortal strife until our whole white race is extinguished, our fair land given over to desolation."

Here was a bold proclamation made by this Senator on the 28th day of January, 1861, that so far as his constituency were concerned, it "was war to the knife, from the knife to the hilt." I might consume time in quoting what Mr. Benjamin said, what Mr Slidell said, and what others said who took formal leave of the Senate. I might recall the contempt with which they spoke of our Government, and the insults they cast in the very teeth of the northern people. Mr. Slidell said, the same North that had furnished vessels to carry on the slave trade would furnish them their privateers in carrying on their war against the United States. He told this body that the patriotism of the northern people was entirely subordinate to the "almighty dollar"—that we were not in earnest, and that we dared not attempt to assert the authority and the dignity of our Government.

All these things occurred cotemporaneously with, even before, the writing of this letter by the Senator from Indiana, which is regarded as so criminal on his part. Did the Senate expel those gentlemen? None ever acknowledged their right to withdraw from this body; they did not resign; they merely left because they claimed that their States having seceded, they, as representatives of their States, approving of the action, were no longer willing to occupy places upon this floor. For weeks their names were called upon your list. You put your face against the whole doctrine of secession, and would never concede, for one instant, directly or indirectly, that they had withdrawn from this body, or ceased to be members of it. You disapproved of their conduct, but you did not expel them, though you had the same right that you exercised in the month of July, when you expelled Senators who were not present, and who were no more members of this body than they were during the month of March. Let us see what did occur in regard to these gentlemen. A resolution was submitted by the honorable Senator from Maine, [Mr. FESSENDEN,] on the 13th day of March, 1861, which I will read from the Journal of the Senate:

"Mr. FESSENDEN submitted the following resolution for consideration:

"*Resolved*, That Albert G. Brown and Jefferson Davis of Mississippi, Stephen R. Mallory of Florida, Clement C. Clay, jr., of Alabama, Robert Toombs of Georgia, and Judah P. Benjamin of Louisiana, having announced that they are no longer members of the Senate, and having withdrawn therefrom, their seats in this body have thereby become vacant, and the Secretary is directed to strike their names from the roll of members."

Here was no great outburst of indignation against these Senators; no proposition to put the brand of disgrace upon them. They were simply to be dropped from the rolls of the Senate, and the Secretary was to cease to call their names. This was on the 13th day of March—twelve days after this letter was written by the Senator from Indiana. On the 14th of March, I find:

"On motion by Mr. FESSENDEN, that the Senate proceed to the consideration of the resolution yesterday submitted by him, declaring the seats of certain Senators vacant, and directing the Secretary to strike their names from the roll of the Senate.

"It was determined in the affirmative."

Then came up the resolution for consideration; and it was modified, on the motion of Mr. FESSENDEN, to read as follows:

"*Resolved*, That Albert G. Brown and Jefferson Davis of Mississippi, Stephen R. Mallory of Florida, Clement C. Clay, jr., of Alabama, Robert Toombs of Georgia, and Judah P. Benjamin of Louisiana, having announced that they are no longer members of the Senate, and having withdrawn therefrom, their seats in this body have thereby become vacant, and the Secretary is directed to omit their names from the roll of members."

"The resolution having been further modified, on the motion of Mr. CLARK—"

The very Senator who is now visiting such indignation on the Senator from Indiana for what he wrote thirteen days before—

"to read as follows:

"Whereas the seats of Albert G. Brown and Jefferson Davis of Mississippi, Stephen R. Mallory of Florida, Clement C. Clay, jr., of Alabama, Robert Toombs of Georgia, and Judah P. Benjamin of Louisiana, as members of the Senate, have become vacant: Therefore,

"*Resolved*, That the Secretary be directed to omit their names respectively from the roll."

"On the question to agree to the resolution, as modified on the motion of Mr. CLARK, it was determined in the affirmative."

Here is your own Journal showing that, fourteen days after the writing of this letter by the Senator from Indiana, this body acted so gingerly, if I may so express myself, in condemnation of the acts of the very leader and his confederates in this great rebellion; and you were so unwilling to expel them from the Senate that not a single syllable appears upon your Journal, or upon the records of the proceedings of this body, for the expulsion of either of them, except the resolution offered by the Senator from Connecticut, [Mr. FOSTER,] which I have read in your hearing, that was referred knowingly to the Committee on the Judiciary, there to be lost.

Mr. President, I think I have conclusively proven by precedents that this body would not have expelled the honorable Senator from Indiana at the time of the commission

of his alleged offense. But now public sentiment having changed, a different spirit existing throughout the country, I ask whether it comports with the dignity of this body to punish what it would have tolerated and listened to patiently and without any expression of indignation at the time of its commission. The first expulsion of any of those who acted directly with, or sympathized with the rebellion, did not take place until the 12th day of July, 1861, at the meeting of the extra session.

But, Mr. President, I come now legitimately to my next proposition. The argument as made by the Senator from Kentucky, [Mr. DAVIS,] the Senator from New Hampshire, [Mr. CLARK,] and I believe also by the Senator from Massachusetts, [Mr. SUMNER,] was this; that Mr. BRIGHT in recommending Mr. Thomas B. Lincoln to the president of this so-called southern confederacy, must have known from the acts which had occurred prior to that period that we were at war, or had reason to believe that war would follow, and that there was a malicious and traitorous intent in his heart in recommending to Mr. Davis a person who had an improved arm. The Senator from New Hampshire entertained the Senate by reading all the acts of aggression which had occurred on the part of the southern people in the seizure of forts, the mint at New Orleans, the arsenals, and other outrages that they committed, extending over a period of two months, and argued from this that if Mr. BRIGHT had exercised common intelligence, he must have known that war then existed; and he read from the opinion of a learned judge—Judge Smalley, I believe—that these acts were warlike acts, and for that reason, in his view, a case was made out clearly against the Senator.

Well, sir, upon the 1st day of March—nay, sir, upon the 4th of March—there was no war. The country did not dream of war. There was not a man now loyal to our Government, no one except some of those already in arms, who had the slightest idea that the present state of things ever would exist. Did the President believe there would be war? No, sir. Did Congress believe there was war? What did it do? It adjourned without making appropriations beyond those purely necessary to carry on the Government. It adjourned without passing any of those measures requisite to place the Government upon a war footing; and I say further, that no proposition was ever offered in either House that had war in contemplation. When we broke up our executive session at the close of the month of March, every Senator here who looks into his own heart believed, (it may have been that his belief was founded upon his hopes,) but he believed that reason would return to these mad men, who, in destroying the Government—like Samson in pulling down the temple—must have themselves known, that they, too, were to be buried in its ruins. How did those who were invested with the chief administrative authority regard it? What did President Lincoln say on the eastern portico of the Capitol relative to the condition of the country in his inaugural address? After laying down his theoretical view, he said:

"In doing this there needs to be no bloodshed or violence; and there shall be none unless it be forced upon the national authority. The power confided to me will be used to hold, occupy, and possess the property and places belonging to the Government, and to collect the duties and imposts; but beyond what may be necessary for these objects, there will be no invasion, no using of force against or among the people anywhere. Where hostility to the United States, in any interior locality, shall be so great and so universal as to prevent competent resident citizens from holding Federal offices, there will be no attempt to force obnoxious strangers among the people for that object. While the strict legal right may exist in the Government to enforce the exercise of these offices, the attempt to do so would be so irritating and so nearly impracticable withal, that I deem it better to forego, for the time, the uses of such offices. The mails, unless repelled will continue to be furnished in all parts of the Union. So far as possible the people everywhere shall have that sense of perfect security which is most favorable to calm thought and reflection. The course here indicated will be followed, unless current events and experience shall show a modification or change to be proper, and, in every case and exigency, my best discretion will be exercised, according to circumstances actually existing, and with a view and a hope of a peaceful solution of the national troubles and the restoration of fraternal sympathies and affection."

That was the language of the Chief Magistrate on the 4th day of March. How did it fall upon the ears of the country? Let me quote on this point the language of distinguished Senators and statesmen from different localities. What, I ask you, said the distinguished Senator, now deceased, from the State of Illinois?—a man ever watchful and ever anxious not only to preserve the Government, but guard it at every point from assault; who was one of the most faithful sentinels upon the citadel of the Republic, ever ready to give the alarm when he saw danger approaching. What did he say in one of his last speeches here before he went to his western home to die? This was the language of Mr. Douglas, on the 7th day of March:

"I shall cling to the hope that the peace policy will prevail, until I see the contrary shown by some authoritative act of the President himself. I care not what individual Senators may think. I draw my conclusions not from what this man or that man thinks. I believe there are a great many men in the Republican party who hold principles and a policy entirely repugnant to the views of the President. I draw my inference, therefore, from the official action of the two Houses of Congress, and from the inaugural address of the President. I think these facts show conclusively that we are to have no war, no bloody collision, and that the peace policy is going to prevail."

Again, he said, upon another occasion:

"This was the whole substance of what I said, or of what I intended to say. The Senator from Texas thinks that the expression of such an opinion, and the drawing of such a conclusion from the inaugural address is calculated to have a bad effect upon the country. I do not see how. It strikes me that if the country can rest secure in the belief that there is to be peace; that there is to be no civil war; that armies are not to be mustered in conflict with each other, it will have a happy effect upon the country. I am sure that every man who loves his country—every man who cherishes with affection this glorious Union; for I assert that she is still glorious, and dearer to me than ever—every man who loves constitutional liberty, and who is proud of being an American, ought to rejoice in the belief that peace can be maintained.

"If I am allowed to judge from the various speeches the Senator from Texas has made recently on this floor, I am forced to the conclusion that he does not feel, on this subject of preserving the peace, entirely as I do. He has told us more than once that we could take our choice between peace and war, and that he did not care which. I do care; and therein consists the difference between the Senator from Texas and myself. Because I do care whether the issue is to be peace or war, I was induced to ascertain what was to be the policy of the Administration, and I arrived at the conclusion, sincerely and firmly, that the inaugural means peace. Hence I expressed my gratitude at that result."

I have read you the opinion of a Senator from the Northwest. Let me refer you, lastly, to what the distinguished Senator from Maine, [Mr. FESSENDEN,] a leader from the great Northeast, said also in relation to this question. Here is his language, delivered on the 15th day of March:

"Now, sir, what is the object of this movement of the Senator from Illinois? As my friend from Massachusetts has said, but a very few days have elapsed since the President came into power. He made a peace address to the people, as the Senator admits; and, as the Senator repeats again this morning, he construes it as a declaration of peace. The President says distinctly in that inaugural, 'I mean peace to the country. I will make war upon no portion of it; and if war is to follow, it must be made by others upon the administration of the Government.' That is the declaration. Why not be content with it?"

Now, sir, I ask Senators if there was war—if it was inevitable; if the conflict of arms was even probable at the time the honorable Senator from Indiana, on the 1st day of March, wrote this letter, why was it that the President of the United States and these distinguished Senators, whose loyalty is not questioned, did not say to the country that war was inevitable and then existed? The honorable Secretary of State, (Mr. Seward,) far later than that, as late as the 10th day of April, two days before the assault on Fort Sumter, in his dispatch to Mr. Adams, our minister to the Court of St. James, uses this language:

"Only an imperial or despotic government could subjugate thoroughly disaffected and insurrectionary members of the State. This Federal republican system of ours is of all forms of government the very one which is most unfitted for such a labor. Happily, however, this is only an imaginary defect. The system has within itself adequate, peaceful, conservative, and recuperative forces. Firmness on the part of the Government in maintaining and preserving the public institutions and property, and in executing the laws where authority can be exercised *without waging war*, combined with such measures of justice, moderation, and forbearance as will disarm reasoning opposition, will be sufficient to secure the public safety until returning reflection, concurring with the fearful experience of social evils, the inevitable fruits of faction, shall bring the recusant members cheerfully back into the family, which, after all, must prove their best and happiest, as it undeniably is their most natural home. The Constitution of the United States provides for that return by authorizing Congress, on application to be made by a certain majority of the States, to assemble a national convention, in which the organic law can, if it be needful, be revised so as to remove all real obstacles to a reunion, so suitable to the habits of the people, and so eminently conducive to the common safety and welfare.

"Keeping that remedy steadily in view, the President, on the one hand, will not suffer the Federal authority to fall into abeyance, nor will he, on the other, aggravate existing evils by attempts at coercion which must assume the form of direct war against any of the revolutionary States."

These words were written by the Secretary of State on the 10th day of April, nearly six weeks after this letter was written by the honorable Senator from Indiana, containing the clear enunciation that the policy of the Administration was not war, was not coercion.

On the 12th of April, the President, in his response to the committee of the Virginia convention, said:

"Not having as yet seen occasion to change, it is now my purpose to pursue the course marked out in the inaugural address. I commend a careful consideration of the whole document as the best expression I can give to my purposes. As I then and therein said, I now repeat, 'the power confided in me will be used to hold, occupy, and possess property and places belonging to the Government, and to collect the duties and imposts; but beyond what is necessary for these objects there will be no invasion, no using of force against or among the people anywhere.'" * * * * *

* "Whatever else I may do for the purpose, I shall not attempt to collect the duties and imposts by any armed invasion of any part of the country; not meaning by this, however, that I may not land a force deemed necessary to relieve a fort upon the border of the country."

It is a notorious fact that the Postmaster General allowed the mails to be carried in the seceded States down to the 27th of May, nearly three months after this letter was written by the Senator from Indiana. Here is his communication to the House of Representatives upon this subject:

POST OFFICE DEPARTMENT, *July* 12, 1861.

SIR: The act of Congress in relation to the postal service, approved February 28, 1861, provides "that whenever, in the opinion of the Postmaster General, the postal service cannot be safely continued, or the Post Office revenues collected, or the postal laws maintained, on any post route, by reason of any cause whatsoever, the Postmaster General is hereby authorized to discontinue the postal service on such route, or any part thereof, and any post offices thereon, till the same can be safely restored, and shall report his action to Congress." In compliance with this act, and because of the obstruction of the service by the insurgents, I directed it to be discontinued on the 27th of May, by an order herewith communicated, in the so-called seceded States, except in Western Virginia; and have since directed its discontinuance in West and Middle Tennessee. The events which have rendered this course necessary are so well known as to render any explanation of my action unnecessary. It seems, indeed, more to be required that I should explain why I suffered the service to continue so long in those States. The chief reason for this was, that the mails alone afforded the means of diffusing any correct information among the people of the South, and disabusing their minds of the prevalent errors which the conspirators had availed themselves of to organize the insurrection. I felt assured that the expressions of public sentiment which would be evoked on the first act of war, if allowed to reach the people of the South, would go far to break down the conspiracy.

The postal service afforded the best means to communicate to the people of the South the judgment which I was confident the civilized world would pronounce against the rebellion when its real purpose was distinctly seen; and although I knew that the instruments of the revolutionary despotism temporarily established there were doing everything in their power to suppress all correct information, it was nevertheless apparent that information of the most important character was disseminated through the mails. Actuated by such views, I was not only disposed to continue the service in existence when I came into office, but even to restore it where it had been discontinued by my predecessor; and for this purpose, at an early day I sent a special agent to the South to establish the principal offices which had been discontinued. But the insurrectionary leaders comprehending, I believe, as I did, the effect of the mails upon their power, refused then to allow those offices to be re-established, and more recently have excluded the mails from all portions of the country in which their military power is established. While the military despotism which was

organized in secret clubs by the conspirators is suffered to dominate over the people of the South, there is no means of ascertaining whether the policy I have pursued has been advantageous or not. But I have no doubt that the people of the South will vindicate it and themselves the first moment that they are liberated from the cruel despotism which now prevails. The discontinued service, as appears by a detailed statement herewith submitted, cost the Government $3,096,427 24 over and above the receipts therefrom.

I am, sir, very respectfully, your obedient servant,

M. BLAIR,

Postmaster General.

The SPEAKER *of the House of Representatives.*

It is also another notorious fact that the President of the United States, to whom was intrusted the guardianship and protection of the honor of the Government, with whom was vested the power to put down rebellion, to use all the means necessary to sustain the nation, issued his first proclamation enforcing the blockade of the southern ports on the 19th day of April, 1861. That proclamation applied to the States of South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Texas. The blockade was subsequently, on the 27th day of April, extended over the ports of North Carolina and Virginia—nearly ten days after the first proclamation; while the proclamation calling out volunteers to protect the capital, and to sustain the Government in its resort to coercion, was not issued until the 3d day of May, 1861. Let me present these proclamations to the Senate:

THE BLOCKADE.

To all whom it may concern.

UNITED STATES FLAG SHIP CUMBERLAND,

OFF FORTRESS MONROE, VIRGINIA, *April* 30, 1861.

I hereby call attention to the proclamation of his Excellency Abraham Lincoln, President of the United States, under date of April 27, 1861, for an efficient blockade of the ports of Virginia and North Carolina, and warn all persons interested that I have a sufficient naval force here for the purpose of carrying out that proclamation.

All vessels passing the Capes of Virginia, coming from a distance, and ignorant of the proclamation, will be warned off, and those passing Fortress Monroe will be required to anchor under the guns of that fort, and subject themselves to an examination.

G. J. PENDERGRAST,

Flag Officer commanding Home Squadron.

A PROCLAMATION

By the President of the United States of America.

Whereas, for the reasons assigned in my proclamation of the 19th instant, a blockade of the ports of the States of South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, and Texas, was ordered to be established.

And whereas, since that date, public property of the United States has been seized, the collection of the revenue obstructed, and duly commissioned officers of the United States, while engaged in executing the orders of their superiors, have been arrested and held in custody as prisoners, or have been impeded in the discharge of their official duties without the legal process, by persons claiming to act under authority of the States of Virginia and North Carolina, an efficient blockade of the ports of those States will also be established.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

WASHINGTON, *April* 27, 1861.

A PROCLAMATION

By the President of the United States.

Whereas, existing exigencies demand immediate and adequate measures for the protection of the national Constitution and the preservation of the national Union, by the suppression of the insurrectionary combinations now existing in several States for opposing the laws of the Union and obstructing the execution thereof, to which end a military force in addition to that called forth by my proclamation of the 15th day of April, in the present year, appears to be indispensably necessary: now, therefore, I, Abraham Lincoln, President of the United States, and Commander-in-Chief of the Army and Navy thereof, and of the militia of the several States when called into actual service, do hereby call into the service of the United States forty-two thousand and thirty-four volunteers, to serve for a period of three years, unless sooner discharged, and to be mustered into service as infantry and cavalry. The proportions of each army, and the details of enrollment and organization, will be made known through the Department of War; and I also direct that the regular Army of the United States be increased, by the addition of eight regiments of infantry, one regiment of cavalry, and one regiment of artillery, making altogether a maximum increase of twenty-two thousand seven hundred and fourteen officers and enlisted men, the details of which increase will also be made known through the Department of War; and I further direct the enlistment, for not less than one nor more than three years, of eighteen thousand seamen, in addition to the present force, for the naval service of the United States. The details of the enlistment and organization will be made known through the Department of the Navy. The call for volunteers hereby made, and the direction for the increase of the regular Army, and for the enlistment of seamen hereby given, together with the plan of organization adopted for the volunteers and for the regular forces hereby authorized, will be submitted to Congress as soon as assembled.

In the meantime, I earnestly invoke the co-operation of all good citizens in the measures hereby adopted for the effectual suppression of unlawful violence, for the impartial enforcement of Constitutional laws, and for the speediest possible restoration of peace and order, and with those of happiness and prosperity throughout our country.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

WASHINGTON, *Friday*, *May* 3, 1861.

Now, what follows from these facts? Simply this: that if the Senator from Minnesota is right in his denunciation of the Senator from Indiana, as having been guilty of treason in writing this letter on the 1st day of March, then the Administration—your Government—was guilty of a far greater treason in allowing for six, eight, ten weeks munitions of war to be carried South, and communications from disloyal citizens of the North to the disloyal citizens of the South through the medium of your postal communication. If he wrote a letter simply recommending a gentleman—a letter that was never delivered, a mere declaration of personal sentiment upon his part—how insignificant must be his guilt in the eyes of the country, as compared to the guilt of your Government and its chief in authority in allowing for eight weeks and upwards arms and munitions of war to go peaceably from the North to the South, and getting into their possession everything calculated to make their rebellion a success. Here is an inconsistency that I have not yet heard explained by any gentleman who professes adherence to the dominant party.

It proves nothing to my mind, except that at the date of this letter by the Senator from Indiana, the constituted authorities did not believe there would be war; that the Senator from Indiana did not believe it; that he had no more disloyal intent in his heart in the sending of this letter of introduction to the president of the so called confederate States than Mr. Lincoln, or Governor Chase, or your Secretary of War had in permitting munitions of war to go freely from the northern to the southern ports, in allowing produce

to go from the West, and in allowing the free intercourse of the mails. They believed just as you believed, and as I believed, and as we all believed, that reason would soon assert her sway, and there would be a peaceful solution to all our troubles.

The honorable Senator from Kentucky, [Mr. DAVIS,] in his remarks the other day, saw fit to complain of the honorable Senator from Indiana, who is now on trial, because he was opposed to the doctrine of coercion. It is true this is not a cause *stated* in the resolution why he should be expelled from this body; but among other reasons as going to show the treasonable intent on his part in the writing of this communication, the Senator says Mr. BRIGHT was and has been opposed to the doctrine of coercion! Why, Mr. President, up to the taking of Sumter—which fell on the 12th day of April—I have read enough to show that it was the settled policy of our Government, it was the settled policy of the Administration itself; nay, sir, it was the settled policy of good judgment and reason everywhere that the Government should not resort to the coercive power, to its strong arm, unless driven to it by greater exigencies than had at that time disclosed themselves. I say that was the opinion not only of this body, from extracts which I have read, but it was the opinion of the constituted authorities —the present Administration. And I may go further and say it was the general opinion of the press throughout the country; and many that are to-day howling after the blood of the Senator from Indiana, who are exceedingly anxious to see judgment visited upon him at our hands, were then openly advocating the allowance, if necessary, of these States to go in peace rather than resort to the strong arm of the Government to suppress and crush out this rebellion. Let me read what a distinguished editor—named by the honorable Senator from Kentucky a "horrible monster," a *monstrum horrendum*—told the country on the 8th day of December, 1860—he who is now so excessively anxious that a victim be made; that the dignity of the country be vindicated by hurling indignantly the Senator from Indiana from our presence. A letter was addressed to him by A. L. Post, dated Montrose Pennsylvania, December 4, 1860, making certain inquiries, and in response, Mr. Greeley says:

"As to what Congress may be *bound*, in a certain contingency, to do, we will not decide It is far more to the purpose to decide what Congress *can* and *will* do. And we again avow our deliberate conviction that, whenever six or eight contiguous States shall have formally seceded from the Union, and avowed the pretty unanimous and earnest resolve of their people to *stay* out, it will not be found practicable to coerce them into subjection; and we doubt that any Congress can be found to direct and provide for such coercion. One or two States may be coerced; not an entire section or quarter of the Union. If you do not believe this, wait and see"—*New York Tribune, December* 8, 1860.

This was not only the tone of this leading press, but it was the tone of a majority of the papers throughout the country, who openly held, in conjunction with those in authority, as I have already stated, that the policy of this Government was not to resort to the strong arm of power in bringing these people back within the folds of the Union.

But, Mr. President, the Senator from Kentucky draws an inference prejudicial to the Senator from Indiana, from the fact that he voted for Mr. Breckinridge at the presidential election, who is now in open arms against the Government, and who has been expelled from this body; and, forsooth, in consequence of that vote, in connection with other acts, as he said, he was satisfied in his own mind of his disloyalty to this Government. There would be just about as much propriety in my arguing that because any Senator on this floor chose to vote for Mr. Bell, another candidate for the Presidency, (who is now an open and avowed disloyal citizen of your Government, and who, according to rumor, I do not know whether true or untrue, has a large iron manufactory molding cannon and making munitions of war for the southern confederacy,) I should be from that vote justified in pronouncing judgment against his loyalty. Here is the language of the Senator from Kentucky:

"What course did the gentleman himself take in that election, if I am correctly informed? Why was it that a ticket was run for John C. Breckinridge in the State of Indiana? Why was a ticket run for John C. Breckinridge in the State of Illinois? Why was a ticket run for John C. Breckinridge in many other States? It was simply to abstract that many votes from Douglas, in order to give those States certainly, or probably, at least, to Lincoln, and secure his election, and bring about the condition on which these southern traitors were to dissolve the Government."

Mr. President, I advocated (I happened to be where I could not vote for him) the election of Mr. Breckinridge. I did it because I believed—and I have no hesitation in saying it—that he stood upon the proper platform upon which a President should be elevated to power. I was one of eight hundred thousand people who supported him. The Senator from Tennessee, [Mr. JOHNSON,] if I recollect aright, now a great leader in our Union cause, also advocated Mr. Breckinridge's election.

Mr. DAVIS. Will the gentleman allow me to ask him a question, and to make a suggestion?

Mr. LATHAM. Certainly, sir.

Mr. DAVIS. My complaint of the Senator from Indiana was, not that he voted for Mr. Breckinridge; but it was that, in the State of Indiana, and in other States where there was no hope whatever that Mr. Breckinridge could carry the electoral vote, but, on the contrary, where it was obvious that he would get a very few votes, the policy of running an electoral ticket for him in such States was to diminish the probabilities of the election of Douglas, and to secure the probabilities of the election of Lincoln.

Now, the gentleman from California avows that he approved of the principles of Mr. Breckinridge as a candidate for the Presidency, if I understand him.

Mr. LATHAM. Yes, sir.

Mr. DAVIS. Well, among those principles

one of the leading ones is this: if I understood Mr. Breckinridge's politics at the time, he was a believer in and subscriber to the doctrine of State rights as taught by the school of the Virginia politicians. Do I understand the gentleman from California as indorsing that principle?

Mr. LATHAM. The honorable Senator cannot divert me into a discussion upon party platforms. What my views were as to the principles enunciated in the platform upon which Mr. Breckinridge stood are in print, and he can easily ascertain them. As to the doctrine of State rights my views were well known in this body long anterior to the nomination of Mr. Breckinridge. If by his remark he intends to imply that I have ever in any way indorsed one of the leading features of the Virginia politicians, to wit: the heresy of the right of secession, I have only to say to him that I was among the very first upon this side of the House on this floor, when that doctrine was boldly asserted during the present contest, to deny any such right, and to oppose it in every possible and conceivable shape in which it was brought forward.

Mr. DAVIS. Will the gentleman allow me another word?

Mr. LATHAM. Certainly, sir.

Mr. DAVIS. I am glad to hear the gentleman express his adherence to that position. He and myself on that point, at least, agree. I hold that the doctrine of State rights, as entertained by the Virginia school, and now termed southern rights, is, and has been, the mother of all our political mischief. That is the great heresy which has debauched the mind of the politicians of this country, and has enabled them to bring the present rebellion to its great and enormous condition. But here, sir, is what appears strange to me, that a gentleman so opposed to the Virginia doctrine of State rights should have been so strong in his adherence to and support of a candidate who made that principle one of the foundation stones upon which he built his whole system of politics.

Mr. LATHAM. Mr. President, as I said before, upon the resolution for the expulsion of the Senator from Indiana, I do not propose to be drawn into a discussion as to party platforms. I repeat what I have ever held upon this point, that all questions of this kind, even questions involving the rights of the States as set up by the Virginia school of politicians, and carried, in my humble judgment, to a greater extreme than the author of the old Virginia resolutions ever imagined, legitimately belong to the hustings, and are not questions upon which I am here to be arraigned, even though I might agree with them in sentiment. Sir, there is a place where all American statesmen and people settle such questions. It is the place prescribed by the Constitution itself, to which I have ever appealed. The place to settle these questions is the ballot-box, where authority is vested by a simple paper missive to control and mold and form our Government, where you deposit

> "That weapon that comes down as still
> As snow-flakes fall upon the sod,
> But executes a freeman's will
> As lightning does the will of God."

I am opposed to the doctrine of revolution in every shape. In my humble judgment, the honorable Senator from Kentucky, in arraigning the Senator from Indiana for political principles that he may have avowed and professed, is advocating a rule which will bring revolution within the circle of this Chamber; inaugurating proscription for opinion's sake; putting our country but one step from that which the French people occupied when they inaugurated the guillotine. It is against the tendency of these doctrines as enunciated, as I understood him, by the Senator from Kentucky calling this gentleman to an account for his support of any one man for the Presidency on principles professed by him, that I enter my solemn protest.

Mr. DAVIS. Will the gentleman allow me?

Mr. LATHAM. I would do so with pleasure, but I do not desire to get into a running discussion.

Mr. DAVIS. Well, the gentleman must not get athwart of me if he wants to avoid discussion——

The PRESIDING OFFICER, (Mr. RICE in the chair.) The Senator from California has the floor, and declines to yield.

Mr. DAVIS. I did not understand him so, if the Chair pleases. If he did, of course I shall submit; but I did not so understand him.

Mr. LATHAM. When I am through, the gentlemen can go on.

Sir, up to the meeting of Congress, in the month of July, there had not been upon this floor any one more consistently opposed to the whole doctrine of coercion than myself. I believed up to that period that the weapon of reason should be appealed to, and not the strong arm of the Government. If I had followed the advice of my worthy and honorable friend from Tennessee, [Mr. JOHNSON,] with whom I interchanged ideas, I should probably have discovered that I had made a great mistake. I believed, as I have said to the Senate, that these southern people never intended to involve this country in the struggles which now exist, which, if they had had the common foresight that belonged to human intelligence, they must have foreseen would end in the destruction of those very rights that they pretend now to be fighting for.

Mr. President, I shall ever oppose, while I have a seat upon this floor, proscription of any man for his opinions in this body. I desire to call the attention of the Senate, in these days when the question of loyalty has assumed such varied aspects, what would have been the condition of our country a few years ago, when the party of which I am a member was dominant, if, in addition to saying, as it always did, that the inauguration of the avowed principles of the Republican party would break up the Government, it had, as suggested by the Senator from New

York, [Mr. HARRIS,] also exercised the power of passing judgment and expelling Senators for mere opinions expressed on this floor? It is safe to say that there is scarcely a single member upon the other side of the Chamber that would have been here to-day to respond to his name. What would have been thought when a Senator on that side of the Chamber, in 1850—the honorable Senator from New Hampshire, [Mr. HALE]—introduced a petition, on the 7th day of February, from the people of Pennsylvania and Delaware, praying for a dissolution of the Union, if a motion had been made to expel him from this body? The petition which Mr. Webster said deserved this title:

"Gentlemen members of Congress, whereas at the commencement of this session you and each of you took your solemn oaths, that in the presence of God and on the Holy Evangelists, that you would support the Constitution of the United States; now, therefore, we pray you to take immediate steps to break up the Union, and overthrow the Constitution of the United States, as soon as you can. And, as in duty bound, we will ever pray."

What, I ask, would have been thought, when Mr. Chase, your Secretary of the Treasury, Mr. Seward, your Secretary of State, were the only members who voted with the Senator from New Hampshire for the reception of that petition, if a motion had been made to drive them from this body? What, I ask, too, would have been thought if a motion had been made in the House of Representatives to expel a member from Massachusetts, now a distinguished leader in the Union Army, because he said, "I am willing, in a certain state of circumstances, to let the Union slide?" What would have been thought, even at this session of Congress, if, when the nomination of the representative of your Government at the Court of Brazil came before us, a motion had been made to reject him because he had said, referring to one of your party conventions:

"On the action of this convention depends the fate of the country. If the Republicans fail at the ballot-box, we will be forced to drive back the slaveocracy with fire and sword."

What, sir, if when considering the nomination of the gentleman who now represents your Government in our great and growing interest on the Pacific, (Mr. Burlingame,) we had refused the confirmation on account of his saying:

"*The times demand that we must have an anti-slavery Constitution, an anti-slavery Bible, and an anti-slavery God.*"

What, sir, if a motion had been made to expel the Senator who introduced a petition coming from Republican citizens, in which they declare:

"We earnestly request Congress, at its present session, to take such initiatory measures for the speedy, peaceful, and equitable dissolution of the Union, as the exigencies of the case may require."

Sir, I know very well what my Republican friends would have said: "you are seeking to destroy and break down one of the very corner-stones of our Government—the right of free speech and the right of free thought." Who makes you the arbiter of my thoughts or of my judgment? We are each sent here by a State of this Confederacy to represent her, to speak for her; and the question is between our constituency and ourselves, our conscience and our God. I concede that when it comes to acts it is a very different question; but when I confine myself merely to sentiments, I concede the right to no man on this floor, and I never will while I occupy a seat here, to expel me because I dare announce those sentiments. Sir, we are upon a stream, whose current is fast enough, God knows. Let me tell the venerable, patriotic, and talented Senator from Kentucky, that "the bells of time are ringing changes fast," and the sentiments that he uttered the other day against emancipating and arming the slaves may not be the ruling sentiments of the ides of October; and he may feel that great injustice and harshness is done to him, if, for uttering those humane sentiments, a majority of this body, under the dominant exigencies and opinions which may at that time exist, should attempt to hurl him from his seat, on the ground that he himself was inconsistent, according to its idea, with the true spirit of a loyal American citizen.

Mr. President, the old landmarks of our Constitution are fading fast enough. We have now no liberty of the press. The great, striking feature of *Magna Charta*, wrung from King John upon the plains of Runnymede by our great British ancestors—the right to the writ of *habeas corpus*—has gone; more than a thousand of our fellow-citizens, without due process of law, lie rotting in your political bastiles. Sir, I trust that even if these things are so, at least within these walls the representatives of the people and the States shall have the right of free speech, and the utterance of whatever sentiments they may see fit to proclaim, without having their peers sit in judgment upon them.

Mr. President, since this rebellion broke out; since war became inevitable; since there was no other resort than to the strong arm of the Government; since it became a death struggle for existence, I have voted, and I shall continue to vote, for every measure to furnish money and men to enable us to show power and strength in this contest. The people of this country have placed the entire resources in the hands of the present authorities; they have done that which the Athenian poet said the people of Athens had done—they have ceded

"The tributes of the States, the States themselves,
To bind, to loose; to build and to destroy;
In peace, in war, to govern; nay, to rule
Their very fate, like some superior thing."

I shall stand by the national authorities so long as they stand by the Constitution and the laws. While the authorized Government of the United States follows that Constitution and those laws, it will have the sympathies of the civilized world. Without such obedience it cannot triumph. Even as in the darkest night the mariner trusts implicitly and strictly

to the unerring pointing of the needle upon the dial of his compass, so should we, in this hour of our Republic's "mortal agony," to the chart of our liberties, as prescribed in the Constitution of our fathers. So doing, we should triumph, "as surely as the night succeeds the day"—we must triumph. But, sir, forsaking this our chart and map, we shall, I fear, too soon be in the deepest current of that dark and turbid stream that has rolled through all time, bearing downward the successive nations of the earth to the great sea of oblivion, to be forgotten forever and forever.

I am sorry to have occupied so much of the time of the Senate.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1862.

Mr. LATHAM, from the Committee on Military Affairs and the Militia, submitted a report, (No. 13,) accompanied by the following bill; which was read and passed to a second reading.

A BILL

To authorize the survey of a route for telegraphic communication between the city of San Francisco, in the State of California, and the Amoor river, in Eastern Asia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and empowered to appoint a suitable person as engineer, either as an officer of the Corps of Topographical Engineers or otherwise, as he may deem the best suited for the purpose, and such other persons as he may deem necessary, to make such explorations and surveys as may be deemed advisable to ascertain the most practicable and economical route for a telegraphic communication between San Francisco, in the State of California, by the way of Behring's Straits, and the mouth of the Amoor river, in Eastern Asia; and that for the purpose of carrying this act into effect the sum of one hundred thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated.

SECT. 2. *And be it further enacted*, That authority is hereby given, and the Secretary of the Navy directed and required, to detail, for the use of the survey authorized by the preceding section of this act, one small steam or sailing vessel, in his discretion, to assist in said survey; and that the persons employed in said survey, whether of the army, navy, or of the civil service, shall be organized as the engineer herein authorized to be appointed may advise and direct; and that the report of said survey shall be presented to Congress on or before the first Monday in January, eighteen hundred and sixty-three.

REPORT.

The Committee on Military Affairs, to whom was referred the memorial of Mr. Perry McD. Collins, asking the aid of Congress "that a survey may be made of the North Pacific ocean, in view of overland telegraphic communication with Europe, via Asiatic Russia," would respectfully report:

That it appears from the memorial, the accompanying papers, and other information on file in the Department of State, that he personally undertook and accomplished a voyage over land from St. Petersburg, in European Russia, to the mouth of the Amoor river, on the Pacific ocean, with a view of proving to the commercial world the value and practicability of nearer relations with the hitherto unknown and unexplored regions of Siberia, the great Amoor river, and of Tartary. Mr. Collins performed his task in a most commendable and satisfactory manner.

He being the first American who penetrated these regions, from him we have reliable information in regard thereto.

Accompanying these explorations special attention was paid to the subject of immediate steam and telegraphic connexion with them and our present Pacific possessions. He found a practicable and highly favored route already existing for the construction of an overland telegraph, uniting us with those Chinese and Japanese ports where, even now, is concentrated the great bulk of commerce. At the time of this gentleman's first visit to that country the telegraph had not extended east of Moscow, in Russia, nor west of St. Louis, in the United States.

The original plan, therefore, comprised an intermediate space of 14,000 miles; a portion of this distance, 4,000 miles, at least, nearly due east from Moscow, being along the route traversed by the great Russo-Chinese caravans to Kyachta, on the frontier of Chinese Mongolia; the whole route, from city to city and from village to village, protected from interruption by the vigilance of government and good order of society as safely as in any portion of our own States.

Aside from governmental considerations, the two great centres of Russo-Asiatic commerce, Kyachta and Nijne-Novgorod, would be brought in telegraphic union, and the whole of Siberia in practical contact with Europe.

From Kyachta the route proposed would cross the Tablonoi mountains, reaching at once the head-waters of the Amoor at Chetah, the seat of government for the province of Trans-Baikal, eastern Siberia; thence along its main course to the strait and coast of Tartary upon the Pacific.

When first proposed, the latter portion of the above route, from the head of the Amoor to the sea, was considered very difficult; but recently, Russia, having obtained by treaty with China the sovereignty of this river and country to the north, has extended over it the same system of Cossack settlements and post-stations which secure and render communication all through Siberia so orderly and safe; moreover, has already placed a number of steamers successfully on the navigable portion of the river.

The only remaining point is to reach satisfactorily the shores of America, portions of the country remaining still unexplored. The proposed route is to proceed from the mouth of the Amoor up and along the coast of the Ohotsk sea, from the head of the Gulf of Penjinsk across the head of the peninsula of Kamschatka to the Anadir river; thence to a point under the lea of East cape, crossing Behring's strait to the south of the Godenow islands, and reaching the American coast south of Cape Prince of Wales.

From this point to the American continent proceed southerly to Sitka, the capital of Russian America, thence through the British possessions to Vancouver, and thence to San Francisco.

Russians, who have given this subject any attention, favor the route from the Amoor to Petroparlosky, crossing either the Ohotsk sea or following the island of Sak-hah-lin and the Kurile islands until Kamschatka was reached. From Kamschatka to Behring's and Cupper islands, thence, following the Aleutian islands to Alyaska on the American main land.

This last mode of reaching America, however, involves a very considerable extent of submerged cable. By either of the two routes more than two thousand miles of submerged cable is required, divided, to be sure, into sections of greater or less length.

For instance, if the Ohotsk sea were crossed from opposite the mouth of the Amoor river, one cable of 550 to 600 miles would be required to reach Kamschatka; and again, from Kamschatka to America sections of

from 50 to 300 miles to reach from island to island.

If the route by Sak-hah-lin and the Kurile islands were followed the sections would be less; in no case, however, could less than 2,000 miles of cable be dispensed with, while the whole line, land and submerged, would be greater than the greatest northern land route by Behring's strait.

Mr. Collins indicated two other routes, viz: by the way of Ouloutorskay to Gore's and Nunivack islands, or by Cape Navarin and St. Lawrence island to Cape Romanzof; either of which would not involve more than one-fourth of the extent of cable proposed by the Kurile and Aleutian islands. Since this subject was first agitated it has been much narrowed by the construction of telegraphs, both in Russia and America. The Imperial Government has assumed the construction of the whole line, as originally proposed, from Moscow to the Pacific, a distance of 7,000 miles, which is already in course of construction, as will be seen by the following communication from the Chief of telegraphs addressed to Mr. Collins:

"BUREAU OF THE DIRECTOR IN CHIEF OF PUBLIC WAYS.

"ST. PETERSBURGH, RUSSIA,
"*November* 30, 1861.

"SIR: * * * * *

"The proposed execution of the telegraphic line from Kazan to the Amoor is divided into two sections. 1st. From Kazan to Irkoutsk. 2d. From Irkoutsk to the mouth of the Amoor river. The telegraph from Kazan is in course of construction through Perm, Ekatherinburg, Tumen to Omsk; and the intention is to carry it forward through Tomsk and Krasnoyarsk to Irkoutsk. The line is finished already to Perm, and in the beginning of next year will be opened from Perm to Omsk.

"The construction of the line will not be finished to Irkoutsk before the year 1863.

"The line from Irkoutsk to the mouth of the Amoor river is proposed to be made through Verchne Udinsk, Chetah, Blagavestchensk, Habaravkah, at the mouth of the river Usuree, and through Sofinsk to Nicolavisky, at the mouth of the Amoor.

"Branches will be carried from Verchne Udinsk towards Kyachta, and from Habaravka, by the mouth of the Songotscha, to the port of Novgorod, on the Gulf of Peter the Great.

"The execution of this line of telegraph will be carried out under the supervision and control of the Governor General of Eastern Siberia, and the Minister of the Navy.

"Steps have already been taken to expedite the building of these lines with the greatest despatch as well as the branches from Nicolavisky to Habaravka, and from Sofinsk to the Gulf of De Castries.

"As to the execution of the line of telegraph from New York to San Francisco, for the purpose of joining California to the Atlantic, I learned from you, with the greatest personal satisfaction, and afterwards by reading to the same effect in the newspapers.

"Indeed, the union of the Old World with the New World we must expect to see executed and obtained through the Pacific, which will soon appear to be only practicable, and which alone can satisfy the general expectation, particularly as the Russian Government offers so many inducements, in my opinion, by its vast system of works begun and to be carried on without intermission, both in Russia and Siberia. In order to build these lines of telegraphs in a shorter time than was originally intended, there will be taken certain measures as much as possible compatible with the uncommon rapid growth of telegraphs in Russia.

"There are already in operation more than twenty thousand *versts* of telegraph lines, and with branches, almost thirty thousand *versts;* and of this extent, in the last three years, were constructed twelve thousand *versts*, with branches, making almost eighteen thousand *versts;* and besides all these lines there are many more to be constructed to different points *particularly* important to the interests of the *interior of the empire.*

"Accept, dear sir, the assurance of my particular esteem.

"CHEFKIN, *General Adjutant,*
Director in Chief of Public Communications.
"PERRY MCD. COLLINS, Esq."

Thus while Russia has been progressing eastward, the United States has been progressing towards the west; and 5,000 miles of continuous wire stretch across the continent, connecting the Atlantic with the Pacific.

The two countries, on their own soil, having already nearly connected the two oceans, this question has been reduced to a far less gigantic task than it seemed only a short year ago.

All we have now to consider is the mere uniting of the two systems, and we have a union of all the continents of the globe. The only subject of discussion now being the least length of deep sea cable.

We have already seen gigantic efforts made, and immense sums of money cast, as it were, into the ocean, in futile attempts to connect great distances. The Atlantic cable, unhappily, after exciting the enthusiasm of the world, has come to a disastrous end; the great Red Sea and India telegraph (submerged in sections from Suez to Babelmandel and Muscat, crossing the Gulf of Persia to Kurachee, in India, near 3,000 miles) has also succumbed to a fate quite as lamentable.

We name these facts, still not without hope, that science, ingenuity, and indomitable will may yet overcome all obstacles.

The recent success of the Malta and Alexandria cable has inspired the friends of long submerged lines with new ardor and ambi-

tion for further efforts. The Malta and Alexandria cable being a three section line, (where the length of any one section does not reach 300 miles, and the strength much augmented over similar ones, the size of the conducting metal quadrupled,) it is to be hoped it may render its working a permanent success. The telegraph under consideration, although of greater length, meets with fewer local obstructions than any of those named, short distances only of submerged cable being found necessary. The whole of Asia would be practically annexed to Europe, and through the line we propose to America, being to us as a political and commercial nation a subject of great and growing magnitude.

We hold the ball of the earth in our hand, and wind upon it a net work of living and thinking wire, till the whole is held together and bound with the same wishes, projects, and interests.

As this Asiatic system penetrates to the east, we may speculate upon probable routes *ad infinitum*. At Kazan, which is considered by Russia as the initial point from whence the Russian Pacific telegraph shall be extended, a line may run south through the Astrakhan, Circassian, and Georgian provinces to Teheran, the capital of Persia, and thence, uniting the cities along the Euphrates and the Persian Gulf, connect with the English-Indian line at Kurachee, adding India to the already established Kazan-Amoor line.

Again, from Omsk, a lateral line can be extended trough the central portion of northern Asia, uniting Bokara, Turkistan, Cashmere, reaching Cabool *via* Bulk; thus again tapping India through the *northern central* gate of Asia. Progressing east, the *Kazan-Amoor* line, reaching Kyachta, on the borders of Mongolia, can be tapped by a lateral one over the route traversed by the tea caravans to Pekin; thence to Shanghai, Amoy, and Hong-Kong; thus China becomes tributary to the "*grand trunk*" line.

From the Chinese coast to the island of Formosa a line may be projected to Luzon, Manila, the capital of Spanish India; thence from island to island until Australia (Melbourne) is reached, embracing the principal centres of trade in that wonderful, rich, and extensive quarter of the globe.

Pursuing our way along the main course of the Amoor, we have seen what Commander Chefkin proposes in regard to branches to the different points upon the sea of Japan, as far south as 42° north latitude, even to the northern limits of Corea.

At this point, without any telegraphic communication, China and Japan would both be within easy and rapid contact by means of steam vessels, when the commerce of these countries could be regulated for either European or American interests; or, from the mouth of the Amoor, a branch line, involving but three short cables in the whole, to the extent of not more than fifty miles, could be constructed to reach Jeddo, the capital of Japan.

Thus progressing eastward from Moscow to the Pacific, we have prospectively connected the whole of northern Asia, India, China, Japan, Australia, and the Islands of the sea.

We now come to the plain point of the report, the practicability of the *Overland Russian-American Telegraphic Union.*

Under authority from the Russian government, Mr. Collins proposes a survey of the waters, coasts, and islands of the north Pacific, and we think it fully worthy the aid and assistance of our own government.

The waters of the north Pacific, which would come under inspection in the general plan, are much visited by all our ships, more particularly the Pacific whaling fleet; while the opening of Japan and the Amoor has also attracted, within a very few years, a large number of our merchant vessels.

Latterly American vessels having entered this river, the Russian government has also had constructed several sea-going and river steamers in the United States and in Europe, for service here and in the north Pacific, to all of which private enterprise has made an addition of six merchant steamers.

American commerce has then already made its entrance into northeastern Asia; several American commercial establishments have found permanent place within the Amoor at the seat of government, Nicolaivsky; American engineers are employed in this so recently unexplored region; American steam engines, saw mills, and machine shops have also found in the wilds of Tartary a new field of practical occupation.

Thus independent of the consideration of telegraphic communication, the proposed survey of the north Pacific would be of much value to commerce in those regions; our whalemen and merchant ships would be guided by certain and reliable information; safe anchorage ground would be revealed; depots and deposits of coal, new bays and harbors would be sought and sounded, and generally much information obtained serviceable and interesting alike to commerce and science.

Again, in view of the contemplated steam postal communication between San Francisco, China, and Japan, this northern commerce must increase; and whatever there may be in the waters, forests, or mines, be made available by the enterprise of our people. Coal is known to abound in the north Pacific, and with steam communication the quality, locality, means and manner of obtaining it, would be valuable and profitable. Entering so largely into our economic life and adding so greatly as it does to the power of a nation in these days of steam, railroads, and manufactures, information in its regard must be of the highest interest.

The distance from San Francisco to the Amoor river *via* Behring's strait—the largest and most northern land line—is estimated at about 5,000 miles. The crossing at the strait, being the only portion of the ocean lying in

the track of the proposed telegraph, is but forty miles wide, which is all the submerged cable that will be required on the whole route. In fact, from New York to Paris, by the *Russian-American line*, we have but this one expanse of water where submerged cable will be required, and though the distance is great geographically, telegraphically it presents no very serious objection.

The most costly, difficult, and longest line in the world is the Pacific telegraph, yet it has not cost over two hundred dollars per mile. The Behring's strait route, from San Francisco to the Amoor, being 5,000 miles long, and estimating it, from climate and sparseness of population, still more expensive to construct than the Pacific, say three hundred dollars per mile, will cost in all but one million five hundred thousand dollars. Thus this connecting link, uniting all the subsisting lines over three continents, costs but a small sum, estimating its value. Experienced and able men, engaged in the construction of long lines, think it can be done for even less.

The highest northern point reached by this route will be within 66° north latitude. The two other highest northern routes would be 63° north latitude and 60° north latitude. The highest point touched, *via* the Aleutian Islands route, keeping the land to Aloyska, will be 62° north latitude on the American coast, and within 54° north latitude on the Asiatic side, while the European lines at present in operation reach considerably above 60°, both in Russia and Sweden.

The climate has presented no impediment in their working. In fact, a cold dry atmosphere is favorable to insulation, so that this, though of great length, would work much more surely and rapidly than shorter lines in lower latitudes.

The American government has already given its aid to the Atlantic Cable and the Pacific telegraph. The British government is constantly aiding telegraph projects, and but recently gave the use of a public vessel to assist in the survey of their North Pacific route, *via* Greenland and Iceland; consequently, we have sufficient precedent, if that were necessary, to justify us in asking aid for this proposed survey, and we instance these facts merely to show that the plan is not one of a wild, chimerical character, not only practicable and feasible, but already almost accomplished.

Mr. Collins has for several years pursued, with indefatigable zeal, the construction of this overland telegraph, not only before foreign governments, but in arousing the public mind to the possibility of ultimate success. He has, at his own expense, pushed this project as far as individual enterprise can go, and he now asks the assistance of his own government to perfect a survey and reconnoissance, with the authority of the Russian government, in regions highly advantageous to us as a commercial nation, and holding within themselves unexplored treasures of science and knowledge.

An extract of a letter from Professor Morse to Mr. Collins, shown to the committee, on the subject of overland telegraphic communication, will afford matter of interest:

"NEW YORK, *November* 29, 1861,
"*No.* 5 *West Twenty-second street.*

"MY DEAR SIR: Your communication of November 27 is received, and in reply would briefly say, first, in general terms, that I conceive there are no *insurmountable* difficulties in the way of establishing a telegraphic communication with Europe westward from San Francisco. That difficulties of a peculiar character may have to be encountered I do not doubt. * * * * * *

"The liability to be injured by climatic changes, such as storms and frost, may be provided against by more than usual substantial material: lower and stronger posts, nearer together, and larger wire, so as to require less frequent and rigid supervision.

"To your fifth question, I answer, I know no reason why they (telegraphs) should not be maintained and worked in high northern latitudes as well as in lower, and my feeling is strong that from the absence of atmospheric moisture, which there congeals into frost and ice, telegraphic wire will conduct better than in warmer latitudes, subject to more rain. * * * * * *

"To the eighth question, I can only answer from the scanty means I have of judging of the peculiar obstacles that each of the two routes present. In ordinary circumstances, the less submarine communication the better; but there may be obstacles to a land route, such as hostile uncivilized tribes, or marshy borders, that would throw the advantage on the side of a longer submarine line.

"This point, therefore, can better be determined by the intelligent observation of those who have visited the regions of the proposed line, and no one that I know is more capable of giving a more intelligent opinion than yourself.

"SAM'L F. B. MORSE.

"P. MCD. COLLINS, Esq."

We also give an extract from a letter written by Hiram Sibley, esq., of Rochester, who has been as largely engaged in the construction of lines of telegraph as any man in the country:

"WESTERN UNION TELEGRAPH CO.,
"*Secretary's Office, Rochester, Oct.* 16, 1861.

DEAR SIR:

* * * * * * * *

I can say, however, by way of encouragement to you, that the contemplated difficulties vanished as we approached them.

"The cost of the line will not exceed one-half the lowest estimate made when the contract was awarded to me; and our men are pressing me hard to let them go on to Behring's strait next summer, and (as you say

to me,) "if I had the money," I would go on and complete the line, and talk about it afterwards.

"If the Russian government will meet us at Behring's strait, and give the right of way, &c., through their territory on the Pacific, we will complete the line in two years, and probably in one.

"The work is not more difficult than that we have already accomplished over the Rocky mountains and plains to California; and, in my opinion, the whole thing is entirely practicable, and that, too, in much less time and with much less expense than is generally supposed by those most hopeful. No work costing so little money was ever accomplished by man that will be so important in its results. The benefit resulting to the world will pay the entire cost of the line every year after completion while the world continues to be inhabited by civilized man; and it is to me a matter of surprise that any intelligent person, at all familiar with building and working telegraph lines in the west, should doubt the practicability of the successful working, after built, of a line to Behring's strait.

"Respectfully and truly yours,

"HIRAM SIBLEY.

"P. McD. Collins, Esq."

It is astonishing to observe what great enterprises are accomplished with very small and inadequate encouragement; this has been fully proved in the Pacific telegraph, which, although discussed for the last ten years, yet no man would, or association of men could, be found, either in or out of the United States, to undertake its accomplishment without at least the constructive aid of government; and the mere pittance of forty thousand dollars per annum has accomplished one of the wonders of the age; a sum, we have no doubt, the government will save to itself more than ten times this present year. Let this not be called an improper time to present this subject to Congress, because we are engaged in a war for our national existence, and because we are already taxing the whole energies and resources of the nation in a time of great peril; let us rather say that the United States is not only able to suppress rebellion at home, but able also to extend her great commercial and scientific power over the earth.

Such an enterprise as this telegraph from San Francisco to Asiatic Russia will only strengthen our power as a great commercial nation, and evidence to the world that we surrender nothing to the circumstances of the hour, but go steadily, hopefully, and bravely forward in the path of duty; that while there are so many thousands actively engaged in the strife and hazard of war, there are yet many more thousands equally active and zealous in all the arts of peace. If aided and countenanced by government it would be most readily and quickly undertaken and carried forward.

Thousands of our merchants and shipowners, having been driven from old time-honored and beaten paths, want new avenues for expansion and extension of trade; and the opening up of this new source of power will reflect honor upon the commerce and high character of the nation that successfully fulfils it.

All of which is respectfully submitted with an accompanying bill.

SPEECH

OF

HON. E. J. LEWIS,

ON

RECONSTRUCTION,

Delivered in the Senate of the State of California,

MARCH 2, 1868.

PHONOGRAPHICALLY REPORTED BY AMOS BOWMAN.

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1868.

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SPEECH

OF

HON. E. J. LEWIS,

ON

RECONSTRUCTION,

Delivered in the Senate of the State of California,

MARCH 2, 1868.

CORRESPONDENCE.

Hon. E. J. LEWIS:

DEAR SIR: In view of the great political benefit we think will be secured to the Democratic party, and through it to the country, from the full and free discussion of the momentous issues of the day, and deeply regretting that the Legislative debates were not more fully communicated and diffused among the people at large, the omission on the part of the press can only be supplied by circulating these documents through other channels. We therefore respectfully request of you the permission to secure from the phonographic reporter a full report of your recent speech in the Senate on the "Impeachment Resolutions." We are induced to make this request in consequence of the decided impression it made upon those who had the pleasure of listening to it, and because of the logic and eloquence which marked its delivery and pointed its purpose.

Trusting for an early and favorable response, we remain, etc.,

JOHN H. SAUNDERS,
A. H. ROSE,
GEO. PEARCE,
F. A. MACDOUGALL,
J. STEELE,
W. Z. ANGNEY,
J. M. NEWSOM.
B. A. MARDIS,
GEORGE M. PAYNE,
T. H. RECTOR,
R. P. MACE,
B. M. COCHRAN,
J. C. CRIGLER,
B. B. SPILMAN,
WILLIAM H. CURETON,
J. W. MANDEVILLE,
W. W. PENDEGAST,
G. W. HUNTER,
WM. HOLDEN.
P. W. MURPHY,
JOHN A. FAIRCHILD,
J. H. MOORE.
THOMAS N. WAND,
J. D. HAMBLETON,
EDWARD R. TAYLOR,
FRANK TILFORD,
T. E. FARISH,
HENRY S. DOANE,
GEORGE HEARST.

GENTLEMEN: Your kind and flattering note, requesting a copy of my speech delivered in the Senate, March second, is before me, and I take great pleasure in complying with your request.

Hoping that it may have the effect, and produce the good to our party that you anticipate,

I remain, gentlemen,

Your most obedient servant,

E. J. LEWIS.

SPEECH OF MR. LEWIS.

Mr. PRESIDENT: When these resolutions were introduced it was not my intention to participate in the discussion; but, inasmuch as the debate has wandered somewhat from the legitimate question, and the Senate has expressed a willingness to discuss the whole subject of reconstruction, I propose, with the indulgence of the Senate, to present my views upon these great questions.

To say that I approve of the action of the President, and, of necessity, condemn the policy of Congress, is but a faint outline of the views which I entertain; and, unless I enumerate in detail, and show wherein the action of Congress is at variance with the public good, my opposition or approval would be but little feared or courted.

Could I be induced to believe that the ultimate object of Congress was really to advance the happiness and prosperity of the Southern people, as is contended, and to finally restore those States to their original places in the Union, I might, perhaps, be induced to lay aside a party prejudice and grant them the poor boon of erring honesty. But, sir, it requires no great penetrating mind to look beyond the dazzling tapestry by which Congress seeks to screen its true intent and delude the people—to witness the political monster in deep meditation endeavoring to solve the problem of the next Presidential election.

The nationality of a hitherto great and prosperous people is to be sacrificed upon the altar of place and partizan preferment. Their manhood, their dignity and their liberty is considered as but a small item to surrender for the accomplishment of this grand political strategy. The partizan magician, skilled in the arts of political legerdemain, is regarded as the embodiment of statesmanship, and worthy to conduct the affairs of this great nation, fresh from the fields of a stupendous civil war, wreaking with fraternal blood. The wise statesmanship and Christian charity of those who have lived and gone to their honored tombs hallowed by a nation's tears is now spit upon and scoffed at as the unprofitable relic of an honest age. That great declaration, the sheet-anchor of republican Governments and the bulwark to the people's liberties, that the military should always be second, subservient and under the control of the civil law, is now held to be a treasonable construction of the theory of the Government. States which once, in the

exercise of an undisputed right, elected their rulers from among their own citizens, selecting them with an eye single to their capacity and virtue, are now held as Congressional dependencies, to be controlled by military satraps, whose authority goes to the extent of their own will and conscience, and from whom there is no appeal, save for that silent messenger that comes from the heart and goes to the throne of the ever living God. The Supreme Court, the highest civil tribunal on earth, dispensing even handed justice to all, guarding the rights of the citizen with a scrupulous honesty, shielding him against the encroachments of unjust legislation, is now threatened with impeachment if it dare deny to Congress the right to assume to itself judicial and executive as well as legislative functions. The Executive, a department of the Government originally intended as a check upon legislative extravagances, is now made powerless by the Acts of a profligate Congress, that no barrier shall exist between them and absolute power; and he who can apply the most withering sarcasm and vilest epithets upon the President is now most applauded for his wisdom and his loyalty. Mr. President, it is no great tax upon the memory to revert back but a few short years to a time when to speak disrespectfully of the President was treason against the Government, and to oppose his *ipse dixit* was giving aid and comfort to the rebellion; then, sir, like the oracle of Delphi, his word was divine, and it was a base sacrilege to even question his power or sagacity; and, sir, you will bear me witness when I state that the number was not few, who, believing they had rights as citizens to scrutinize the acts of their public servants, and condemn the Presidential usurpations, for which the confines of a loathsome prison wall was their punishment. Yet, sir, how short the time and how changed the scene; the martyred oracle departed to a brighter sphere; he left his chair to his successor; but the mantle of his usurped powers have fallen upon Congress; and, sir, they scruple not to use them all for the accomplishment of their own partizan schemes, and to rivet upon a fallen foe the shackles of a slavery more degrading and humiliating than any system of servitude ever yet known to man.

And such, Mr. President, is the boasted magnanimity of Congress. History presents a parallel in the magnanimity that the triumphant Romans showed to the vanquished Carthagenians—an unconditional surrender of arms proved to be a surrender of liberty, habitation and life. And why all this Congressional persecution? Is humiliation and disgrace the great highway that is to lead us to a lasting peace and a fraternal Union? Is a new theory of government to be instituted upon the hazardous experiment which endangers the liberties of the whole people? Are the creatures of the most malignant hatred and the spawn of fanaticism to be each a political Moses to guide us out of the wilderness of woe? Is the command of a shoulder-strapped despot to supersede the civil law which has passed the ordeal of ages, and coming like gold from the crucible, refined by a test of its purity? Is Congressional reconstruction, which demands the disgrace of millions of our own race and kindred, the offspring of passion, pregnant with the keen hatred which comes from a deadly sectional strife, to be substituted for that great bond and charter of our common liberties, existing coeval with liberty, and hallowed by the wisdom of the greatest men who ever lived or died? Are the people ready to accept of all these chances and make all these sacrifices to gratify the whims and spites of Congressional fanatics? And are they willing to disfranchise their own race and kindred and enfranchise a race of negroes for the sole purpose of electing a radical President?

Mr. President, deny it as they may, institute what excuses they will, this was the great question submitted to the people of California at the last election; and you know well, sir, how gloriously that majority of ten thousand proclaimed in thunder tones that, as white men created this Government, their posterity should control it.

I pause, sir, a moment to pay a passing tribute, with the hope of adding a leaf to the chaplet won by the Democracy on that glorious, regenerating day. It was one of those bright moments, following a dark and stormy night, when all the elements of heaven seemed warring for the supremacy, as the golden sun leaps from the horizen to ascend its meridian course in a cloudless sky, reflecting its warm rays upon the cold earth, warming into life and bursting the buds of nature's fairest gems that had been chilled by the storm ere it passed away. Never did Aurora come in her winged chariot to herald a more glorious day for California. Never did hearts seem lighter nor joy more intense. From the golden gulches of the mountains, along the valleys and upon the shores of the deep blue sea, there arose those peans of praise to the God of nations for a deliverance from the thralldom of a tyrannical majority. Never will that day be forgotten; in future years, when the things of to-day shall have passed into history, will this event loom up like a pillar in the desert to remind the weary traveller of the wisdom of man and the glory of his being. Not only upon the shores of the Pacific did the thrill of joy animate the bosoms of men; the electric messenger, with the speed of thought, conveyed the glad tidings across the mountains that California, with Connecticut, had broken the radical line and arrayed herself upon the side of the Constitution and the white man's Government. There again the shouts of joy, long suppressed in the gloom of despair, were sent reverberating against the blue battlements of heaven, making the silent air tremulous with triumph. All honor to the golden star in the bright galaxy of States. I glory in knowing that she is the land of my adoption and the home of my children. I want no nobler place to live; I can ask no finer spot to die. She has withstood the allurements of wealth, the encroachments of power, the blandishments of demagogues, and in a noble outburst of a virtuous indignation spurned the mad heresies of a degenerate Congress in its groveling attempt to sink the nation in the mire of negro equality. Let the apologists of Congressional reconstruction profit by the example of California; and let them learn that Governments are to be administered upon great, broad and comprehensive principles, and not upon the narrow contracted whims of political bigots.

But to return to the subject. I ask are the people ready to sacrifice all of their noble heritage, the glory of the past, the hopes of the future, the security to liberty, the assurance of manhood, for the purpose of electing a radical President? And can it be asserted that future political power is not the grand object of Congressional reconstruction? Are not all its edicts shaped to disfranchise its enemies and enfranchise its friends? And is the class it seeks to enfranchise an element for future national concord? Will it be contended that the emancipated slave is mentally capacitated to assume the high prerogatives of an American citizen? Most certainly not! Is it not reasonable, then, to say that he is to be armed with the ballot for some special object? And can that object be else than to continue in power his apparent friends—those who clothe him with the power of a citizen? And what is, what has been and what will be the answer to this argument? Why, it is the silly vaporing and stereotyped mockery, that the negroes assisted the armies

of the Union in conquering the rebellion and therefore ought to be enfranchised; and it is called national gratitude. This is one of the glittering delusions that has been so nimbly handled by the radical orators ever since the breach between the President and Congress; and when stripped of all its sympathetic paraphernalia it stifles in its own weakness and absurdity. Now, sir, let us see about this question of gratitude. And first, let me ask what race are the gainers by the war? Is it the white race; that race which made all the sacrifices, endured all the hardships and marched against the death-dealing battlements, in the smoke of a furious battle following where the national ensign might lead, even into the jaws of death? Has that race been the gainers by the war? If it has, where is it and what is it they have gained? Have they gained liberty? Let the victims of Congressional persecution answer. Have they won national greatness and political advancement? Read the Acts of a mercenary Congress and show me the evidence. Have they won honor? Ah, sir, talk not to me of the honor of a people who will seek by legislative enactments to degrade their own race and kindred and force political and social equality with a race whose instincts and impulses sink to a level with the brute creation. Sir, I can conceive of nothing that has been gained, save a bankrupt Treasury; a grievous and burdensome system of taxation; the widow's and orphan's tears; those sad and melancholy monuments to perpetuate the memory of loved ones in the silent city of the dead—that is what the white race have gained. I might enumerate more misfortunes and calamities, but the heart sickens as we reflect upon the sad chapter of woe and devastation. I would to God, sir, that it was in my power to erase from the pages of our country's history the events which have transpired within the last seven years, that this great Republic might transmit to future ages the story of her grandeur and wisdom, unstained by fraternal blood, free from the carnage of war, but bright and resplendent, adorned with the beauties of friendship and charity.

Now, sir, what has the black race gained? Why, sir, the shackles of slavery have been stricken from their limbs; THE BONDMEN ARE FREE!—that word of more significance and possessing more charms than all others combined. And yet, after granting this heart-cherished boon, bought with the blood of the noblest and bravest of the land, we are told that it is ingratitude to refuse them enfranchisement. It is not enough that they have been released from bondage at the sacrifice of the lives of a million of white men, but they must be dignified with the full power of the citizen; and to object is ingratitude. Mr. President, I am at a loss to know by what rule the gratitude of our race is to be estimated. If there is gratitude to be shown, let it be manifested by those who have been the recipients of more blessings than any other race since the commencement of time. I ask, did the black race assist the Union armies before the Emancipation Proclamation was issued? Were they so devoted to the Constitution as to endanger their lives to defend it? Certainly not. They joined in the applause and were the partizans of that hideous fanatic when he gave utterance to the sacrilegious declaration that "the Constitution of the country was a league with hell and a covenant with the devil." Believing that the Constitution was such a wicked instrument, could it be expected that they desired to maintain it? What, then, was their incentive? Was it not the emancipation of their race—and did they not succeed, with the assistance of white men's lives? How, then, stands the great account—who is the debtor? Is it those who have lost all dear to the heart, or those who have gained all they

desired? And after all this, we are told that to refuse them the ballot is national ingratitude. As I have illustrated upon another occasion, while addressing the people upon this subject, if my house takes fire, is my neighbor indebted to me for assisting me in rescuing my wife and children from the flames? Ingratitude! It is the blackest ingratitude, a burning shame, and should be a withering curse upon him who cherishes the hope of the blasting disgrace. Sir, as a principle, I am not a believer in the doctrine of gratitude on the part of the nation to the individual, especially in republican Governments. Every man owes to the Government in which he lives his whole service, and, if necessary, his life, and in balancing the account he simply pays what he owes, and gratitude is even; but if, contrary to this view, the nation has incurred a debt of gratitude in the war, it is not to the negroes who have received all the benefit, but to those brave white men who took up arms when the war commenced for the Constitution, the Union and the laws. To those men let the national favors and bounties be given, but not to the ignorant creatures who are to be used as pawns, to be moved about and swept off to guard some weak point on this great chess-board of Congressional despotism.

Now, sir, what must be the inevitable result of negro enfranchisement? What will be its effect upon the country? Let me suggest an impartial consideration of this subject from the high standpoint of national dignity and honor. If the negro is allowed to vote, he is by right possessed of all the attributes and powers of a white citizen. He is, by the Act which grants him this right to vote, made eligible to every office within the gift of the people; and to deny to him the right to hold office, while he possesses the right to vote, would be a shameful cheat and a mockery; his privileges cannot be restricted; he either must be a citizen, with all his powers and prerogatives, or remain a subject, a creature for governmental protection, possessing no political power whatever. I take it for granted, then, that if the negroes are enfranchised, their powers and privileges are bounded by the same laws as white men; this being the case, there can be no objection made to his holding office and receiving the benefits of the Government of which he is a citizen. And now, Mr. President, would such a state of affairs be desirable? Let me submit to the honorable Senators, who believe in Congressional theories, how would it harmonize with their vanity and high sense of honor, to cast their eye over this Senate chamber to discover a negro, with his debasing instincts, claiming by the authority of the people to be their peer? Would it be a picture that would carry to the heart a consoling reflection and contribute to the honor of the Senate? But it may be said that there is no danger of such a calamity befalling California. Upon that I agree, for the people have pronounced against it in terms that cannot be mistaken. But had their verdict been in favor of the manhood equality candidate, it would have been but a short time until all the barriers between the races would have been broken down, and California would have presented the revolting spectacle of a mongrelized population, all claiming equality as men. But, thanks to an intelligent people, the mad heresy was rebuked and the seal of condemnation imprinted upon the counterfeit philanthropist who attempted the great crime of stealing the manhood of a great people. Well, if California is so watchful of the manhood and dignity of the white race within her own boundaries, will she approve of a Congressional demand that the people of other States shall be humiliated and disgraced? Sir, Congress must not forget that the people it seeks to crush are our countrymen—all

springing from the same noble ancestry, inheriting the same love of manhood and liberty, obeying the same laws, and worshipping the same God. It is not the part of nations to nourish and cherish revenge. There are ties existing between the North and the South that no Congress can sever; affections cemented upon many a hard fought battle field of the revolution, that will remain nearest the heart when a degenerate Congress shall have passed away to be remembered only as a thing to be despised for its cruel and sanguinary demands.

Sir, the grand consummating triumph of freedom, won upon the fields of Yorktown, is inseparably connected with the glory of Lexington and Bunker Hill; it was for one cause, for one hope, and for the glory of one people. The privations and hardships endured by our fathers when the nation was being born to liberty were borne by the South as well as the North. They bivouacked around the same camp-fires at Valley Forge; hand to hand and shoulder to shoulder they made the glorious charge at Saratoga; their blood mingled in the pathway of retreat from Trenton across the Delaware; they ate the same bread; they met the same foe and they jointly conquered him in the name of God and Liberty.

Sir, fanaticism cannot rob them of a prize won in such a glorious cause; for a time it may smother, but it cannot destroy it; when the hatred and prejudice that comes with a deadly sectional strife shall pass away, and the monsters it brings to the surface shall sink to be forgotten, then will their heroic deeds rise like exhalations from earth, assuming all the gorgeous splendor of a pure patriotism, clad in the "glorious panoply of heaven's own mail."

Sir, such a people are entitled to something more than humiliation and disgrace; the dignity of manhood is theirs by inheritance. You may seek by legislative enactment to rob them of their rights as citizens, but, sir, you cannot steal their honor; that at least is secure. That they have erred, I do not deny; but sir, it was an error in a mistaken theory of the Government, and no war upon our institutions; they had contributed too much to their establishment to wish for their destruction; they love the liberty they insure, the principles they inculcate, and the honor of their birth, too well to be deprived of their share in the glory.

Sir, if this mad theory of Congress is to be pursued to the end, no human power can foresee the result. Ten of the fairest States of this Union, possessing the loveliest climate and the most productive soil on earth, an element of prosperity to the North, an Eden in peace, a Gibraltar in war, will waste away, and finally perish under the loathsome tyranny of Congressional satraps, and the shouts of the enfranchised slave, mingled with the agonizing cries of a lost people, will be the sorrowful sounds of their mournful requiem. Dark and horrible in the future rises the fearful picture of another saturnalia of blood, compared with which, the one through which we have just passed would be but the mild breeze that comes to herald the furious storm; Congressional reconstruction would be the shibboleth in this new carnival of carnage and woe; and desolation would leave its pathway marked in the blood of its innocent victims. A war of races, of all others, is the most frightful calamity that can befall a people; a city given up to the pillage of a brutalized, victorious army is but a miniature likeness of the horrors of such a war; the women and children, the old and the young are alike subject to its appalling vengeance; the laws of war have no power to check its terrible excesses, and it ceases only when one or the other are exterminated. And such must be the ultimate result of Congressional demands to force negro suffrage upon the Southern people. Would such

a finale be agreeable to the North? As one whose birthplace, associations and ancestors are here, I say no! We have had blood enough; we have passed the ordeal of a terrible war, and have quaffed the cup of bitterness to the dregs. Let us now repose in the sunshine of forgiveness and peace.

But, says Congress, the negroes must be enfranchised that they may protect themselves and insure perpetual loyalty in the South. Sir, the history of the black race, with their known incapacity for self-government, is the best answer to this stupid declaration. Whenever they have attempted the experiment of government, failure, anarchy and bloodshed have followed rapidly upon the hazard. The high prerogative of a citizen in a republican Government requires something more to wield it successfully than simply animate human nature—it requires that mental culture and liberal instinct peculiar to the Anglo-Saxon or Caucasian race. The world's history tells us that no other race is capable of self-government; and wherever the experiment has been attempted by the inferior races, decline and a retrogade toward barbarism has been the result. I need not enumerate the illustrations of this truth to men of intelligence and general information—the declaration is sufficient, the facts are patent. It cannot be contended by Congressional disciples that the blacks would be controlled by the wisdom and examples of white men of the South. The numerical superiority of the negroes, coupled with their first training in freedom—that of military authority—would be an incentive to change the old order of things and venture upon new theories that invest power in the popular leaders; and they, pandering to the prejudices of the multitude, would speedily bring down upon themselves a night of anarchy and ruin revolting even to contemplate. Sir, we could expect nothing better than this at the hands of a race fresh from the bonds of slavery and thrust into a new sphere of action, knowing no bounds of restraint, but wholly at the mercy of vicious, debasing instincts that always dictate remorseless persecution and unrelenting tyranny. And, sir, not only in the States where this system is to be adopted would its ruinous effects be felt; it would burst the confines of State boundaries and go, dragging its fearful degeneracy into the Capital at Washington, and there, assuming the places of statesmen and patriots, scoff and laugh at the goddess of liberty as she weeps over the sorrows of a lost people. And this is the way that the negro is to protect himself, and such the mode of establishing perpetual loyalty in the South. Sir, I assert, and I challenge a denial, that the emancipated slave is not competent to protect himself—it must be the task of white men; but not that class of white demagogues and truckling hyprocrites who would sacrifice the hopes of a great people to obtain political power, but the pure patriot, the true statesman and honest philanthropist, who forgets his own advancement in his desire to advance the happiness and glory of his race. Under the teachings and influence of such men the negroes may be made an element of strength to the Government and a source of happiness to themselves.

As to that other delusion, perpetual loyalty, I have no time nor words to waste upon its discussion. It expresses nothing, it means nothing, and it does not belong to the republican vocabulary. Lord North, in the submissive humiliation of a Court flatterer, informed George the Third that a portion of the colonies were loyal to the Crown. In that sense it may be applicable and appropriate, but from its origin and associations it is repulsive to the American ear.

Mr. President, I have attempted, in my feeble way, to point out some errors of Congressional reconstruction; and now, sir, as I pass to another branch of the subject, let me ask, what is there to reconstruct that pertains to governmental theory? Has the Union been destroyed? If so, when, and by what act? Did the illegal assemblages of men congregated in States proclaiming that they had withdrawn from the Union annul the power of the Constitution over those States, and is Congress willing to admit of the reality of secession? If so, the South is not a part of this Government, and it is a tyrannical aggression to attempt to control them. If those States are not in this Union, then the object of the rebellion has been accomplished—a result that I am not willing to acknowledge. Sir, for the last six years secession and disunion have been regarded as among the impossibilities and wicked heresies; and are we to be told now, and by those who claimed to be, *par excellence*, the champions of the Union cause, that the lives and money sacrificed was for nought—that the Union has been destroyed? Sir, when the people of the South rebelled, it was not a rebellion only against the General Government, but against the State Governments as well; a war upon one was of necessity a war upon the other; and if the insurgents failed in destroying one, they also failed as to the other. Every State Government is an integral part of the General Government; and, as a necessary consequence, in sustaining the one it insures the adherence of the other. So it follows that if the General Government maintained its authority against its enemies, so likewise was every part and portion of it maintained. There was no condition in the surrender of the rebels that deprived the North of anything for which it contended. The North went to war with the South to maintain the Government as an entirety. They succeeded to their entire satisfaction. What, then, is there to reconstruct? The armies of the rebellion have been vanquished. They failed in what they attempted. They did not destroy the Government, nor any portion of it.

I ask, sir, did the people of the South recognize any law of States existing prior to the rebellion, without first re-enacting the same in the capacity of insurgents? Did they not in every instance contend against the old State as well as Federal authorities, that refused to follow them into the rebellion? Was not the rebellion, then, a war upon the State as well as the General Government? And were they successful? If not, they have destroyed nothing; if the General Government was maintained, the State Governments were also, because one is a part of the other. Without States, under our system, there could be no General Government; they are as necessary to give it vitality as the heart to the body. How, then, can you discriminate? Upon what principle can you draw blood from the vein without draining the heart? The name of the Federal Government, that we are all willing to accept as correct, is of itself an evidence of the character of the Government—a league, an agreement between parties, constituting a Government; so it was regarded by the people of the South, and they made war upon the General Government by attempting to destroy State charters; but they failed; they were, therefore, not destroyed; hence, there is nothing to reconstruct.

The fact of a hostile army holding possession of territory by conquest, does not change its governmental system, only so long as it is so held; the moment the invaders are expelled the original Government assumes its former status without any act or system of reconstruction. It was not only territory, but a system of government that our armies sought

to maintain, when they engaged in the war; and when the people of the South rebelled, they rebelled against the whole Government under which they lived. If our Government, then, is a creature of the States, as none can deny, each State must of necessity be a part and a portion of the General Government, and the act of waging war upon the creature is hostility to the creator; and if the rebellion failed, the Government it sought to destroy remained as it was before the insurrection, and there is no cause to change its system. But if the conquerors, by the power of their victorious arms, attempt to subvert or change the theory of the Government they have forcibly maintained, they assume the position of rebels, and are themselves traitors to the Government.

I hold to the doctrine that States cannot commit treason, or, in other words, a Government cannot rebel against itself. Individuals may rebel and commit treason, and if they fail to accomplish their object they are simply rebels; but if they succeed, they are patriots. And why is this apparent inconsistency correct; why should patriotism be measured by success? The reason is obvious. If a people succeed in a rebellion they institute a new system of government; they are its founders, and their names mingle in poetry and song, go down to posterity adorned with the deified splendor of the gods themselves; but if they fail, the Government they attempt to destroy remains as it was, with all its powers and characteristics unchanged.

The people of the South having failed to break down the old Government and establish a new system, it follows from a correct reasoning that there is nothing changed. True, the authority of the Government was for a time suspended, but wherever the Federal arms could penetrate it was reinstated. It certainly cannot be contended that the mere temporary existence of unlawful authority so blasted State Governments as to ruin their systems; if so, then the Federal victories are barren of results and nothing has been accomplished, and what is lost cannot be reconstructed. If, on the other hand, as I stated, the authority of the Government was re-established by the force of arms, then there is no need of reconstruction, because things which naturally follow upon certain events need no additional impetus. When the war ended the Government was reconstructed, its authority was recognized by every citizen; the enactments of the insurgents were forcibly repealed, abolishing every shadow of authority that conflicted with the State and Federal Government. This cannot be denied; and, if admitted, will it be contended that there was no Government existing in the South during the time which occurred between the surrender of the rebels and the passage of the Reconstruction Act by Congress? I confess that my comprehension is not sufficient to conceive how a people can exist as a body politic without the machinery of government necessary to control them in public affairs. And if the Federal armies were contending for the Government and the laws, and they succeeded, who was clothed with the power to withhold from the South the laws which had been maintained at the expense of a fearful war? My understanding of the object of the war was to maintain the Constitution and the laws. If such was the object, and the armies succeeded, as none will deny, then of course the Constitution and the laws were in full force, and the Federals possessed no more right to disregard the law after the war than the Confederates did before.

Mr. President, I can conceive how, upon a certain event, it might be necessary to *reinstate* the local authority in States—never admitting that it had been destroyed—only yielding to unlawful force for a time, to be

resumed the moment the lawful authority becomes the master by force. But this is a matter purely of military power; legislation is unnecessary.

But, Mr. President, you must remember that there is a marked difference between reinstating and reconstructing; and be it remembered that the formerly declared policy of the war was to "*reinstate the lawful authority in the insurgent States.*" This object having been accomplished, it is a treasonable crusade against those States to attempt by the power of partizan legislation to change their system and dictate the manner in which they shall shape their local institutions.

For the past two years this subject has been with me a theme of constant consideration. I have not confined myself to the task of justifying my own partizan views, but have tried to banish all prejudice, solving the matter in a practicable view and in reasonable harmony with the spirit of our institutions. And according to my own feeble comprehension of the subject, I have failed to discover when, or by what act, the Union has been destroyed. That the attempt was made, we cannot, if we would, deny it; but the millions of lives and the oceans of treasure thrown into the scale against the gigantic rebellion; the victorious columns of the North sweeping over the South, bearing aloft the gorgeous ensign of the republic; the impregnable monsters of the sea locking the ports of the South against the commerce of the world, tell how awful the task, and how disastrous the consequences. Only the poor consolation of regret is left us as we contemplate the ruinous folly that impelled a brave and devoted, but misguided people, to venture upon such an appaling hazard; and it becomes us, as an advanced and enlightened people, to cicatrize the wounds and administer the balm of friendship, that a lasting peace and brotherly love may prevail throughout the land.

Sir, I cannot banish from my mind the fact that we are all one people, having in view the same noble purpose, of perpetuating our institutions and securing to our posterity the inestimable blessing for which our fathers poured out their blood and laid down their lives to maintain. No act of mine shall curtail the proud legacy which by right belongs to those who are to come after us; it was not given to us to squander away in domestic hatred and strife. This sectional animosity, engendered and encouraged by Congress, is the viper that will yet prove our destruction. Sir, in the morning of our liberties, when the charred and blackened monuments of the Revolution were yet visible, to remind the heaven-sent heroes of their miseries and disasters, one who had led them through the storm and the sunshine, through evil and through good report, as he reflected upon the past and contemplated the future, gave those last words to his countrymen as a final offering, which were cherished as the inspired warning of one more than human. Sir, there is no sentence in the English language upon which I dwell with more delight than this, contained in the farewell address of Washington He says:

"In contemplating the causes which may disturb our Union, it occurs as a matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern, Atlantic and Western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by paternal affection."

Perhaps, Mr. President, I should ask pardon for reading a portion of this once much cherished instrument. It belongs to the past; it is one of the relics of honesty; it must give way to this boasted progression of the age, and be deposited in the corner stone of that consecrated monument that is rising toward heaven upon the mournful heights of Mount Vernon. Sir, as we reflect upon the sad degeneracy of the present day, the mind plays the truant and wanders far into the future to witness the surprise of some future Marius when, in wandering among the ruins of this modern Carthage, he shall exhume the unbroken columns of this temple of death and draw from its safe repository the parchment upon which is written the inspired farewell of the Father of his Country. All nations will sing praises to his name, and upon tablets of enduring marble will be written in letters of living light, the name of Washington, as the symbol of friendship and charity. Sir, to obey and reverence this great sentiment is the grand object sought by every true lover of his country; but Congressional reconstruction is the grand stumbling block in the way of its final consummation.

I am inclined to believe, sir, that under this pageant of reconstruction there is something more than a desire to restore the Union upon the principles of the Constitution. All the Acts of Congress of a political character—every principle promulgated by its members, point unmistakably to a centralization of power. Depriving States of their reserved rights and clothing Congress with absolute authority appears to be the grand object sought by the radical regency. If Congress is allowed to fully consummate its despotic heresy, the Government under which we were born will have passed away; State Governments will be but a shadow, stripped of all power, and be held in submissive vassalage by our masters at Washington. When that day comes radicalism will have accomplished its object, and States will be known only as things of the past. This question of centralization is by no means a stranger to the American people. A "strong Government" was earnestly urged by some conspicuous for their patriotism and great ability, in the Convention which formed the Constitution. They doubted the capacity of the people for self-government. They desired a monarchy in fact, but were willing to admit of a republic in name. But wiser and more liberal counsel triumphed. An experiment was risked, and time has confirmed the wisdom and sagacity of its founders. When the colonies became involved in the war for independence, each colony or State made the declaration separately for itself. The war was fought throughout upon that principle, the troops of each State looking to their local authority for support. To be sure, a Congress assembled, to assume, by consent of the States, a general supervision of the contest; but at no time was the States of any portion of them deprived of their original powers. The war ended, and victory followed the standard of the colonies; their independence was accomplished; a republic was recognized by all the nations of Europe. The question then arose, how to perpetuate their liberties and secure to themselves and their posterity a certain and safe republican form of government. Each State was tenacious in securing its own peculiar institutions. They were loth to surrender any of their rights. The articles of confederation, which in reality gave the General Government no power, was found to be inadequate. The Constitution was adopted by the several States after several years of consideration, and finally the amendments, which clothed the General Government with certain specified powers, which were expressly enumerated; and all powers not expressly delegated were reserved to the States, or to

the people, thus constituting a system of governmental checks and balances wherein the people found ample security to their liberties.

Upon this theory, which admitted of no wavering or doubt, the Government entered upon its national existence, and for years a career of prosperity, then unexampled in the history of the world, proved the wisdom of our system and the justice of our cause. The eyes of all nations were fastened upon us, and were struck with admiration at the rapid march of the new empire which had shown its popular diadem, like the evening star, above the waves of the Atlantic. The party in favor of a "strong Government," that desired to give the President and Congress more power, yielded to their opponents, and sunk only to be known in history. Firmly and beyond any doubt a Government of States was established; the great desideratum was to withhold power from the General Government, confine it strictly to its delegated powers, which were considered as amply sufficient for its existence. To concentrate power in the General Government was regarded then, as now, as the enginery of despotism; it is the only method, under our peculiar system, whereby the liberties of the people may be lost. So long as the States exist as the barriers against centralized encroachments, so long are the liberties of the people secure. But if you admit of a power in Congress to dictate to States how they shall shape their local institutions, and admit its power to override them and declare them nullities, centralization is accomplished. And when that is done, will you please to tell me the difference between ours and a monarchical form of government, except upon the single question of tenure of office. Sir, I have no desire to deny to Congress the full and unrestrained exercise of its delegated powers; but, sir, when it assumes to itself powers not delegated by the States, it exceeds its authority, and its Acts are not binding upon the States nor the people. The powers of the Government are few and plain. The Constitution enumerates, in plain and concise terms, what they are—what the Federal Government may do and what it shall not do. Its powers are of a general character—to legislate for the general interest of all the States. If Congress has the power to say what the local law of Virginia shall be, it undoubtedly has the power to dictate as to the local law of all other States; and if this latitude is to be extended to Congress, where is the necessity of State institutions? If it has the power to deny States the right of representation and convert them into military districts, under martial law, which is known to be no law at all, it has the right to take away their Constitutions, obliterate State boundaries and assume to itself absolute control over the life, liberty and property of each individual citizen. But, says loyalty, Congress has the right to judge of the qualifications of its own members. Sir, I admit it; but it has no right to say that States shall not be represented at all. Where in the Constitution do you find the shadow of authority upon which to base this outrageous usurpation? The right of representation is one of the great principles which gave rise to the war for independence; it was proclaimed, in that determined solemnity which characterized the rebels of 1776, that "taxation without representation was tyranny." And to-day, sir, in that same spirit of patriotic indignation, we say to these liberty-stealing despots, that unless you admit the representatives of the people, and give them a voice in the Government they are taxed to support, you shall be hurled from power, and the great sentiment verified—that "resistance to tyranny is obedience to God."

Sir, this blasting, hell-born scheme of centralization can never be fastened upon the people. A Government of hate, passion, and all the debas-

ing elements that are born of sectional strife, will soon cease to exist; the vampires and loathsome minions of a grinding despotism that have stolen the places of statesmen and patriots and fattened on the hope of carnage, disgrace and humiliation, will vanish before an outraged people, and "the places that know them now will know them no more forever." Already we hear the distant echoes of reason triumphant in its contest with passion. New York, Pennsylvania, Ohio and New Jersey, those great masters and guardians of the Union, have fallen into the grand procession to roll back the surges of fanaticism and imprint their seal of condemnation upon the dastardly usurpations of a degenerate Congress. Day is breaking, the night of anarchy is passing away; centralization, with all its royal paraphernalia and unlimited power, has received its quietus; the people have returned to the beaten track of the Constitution, "whose ways are the ways of pleasantness, and whose paths are the paths of peace."

Mr. President, there is but one theory, or system, upon which our Government can be successfully administered, and that is upon the doctrine of the absolute sovereignty of the States within the scope of their reserved rights. Not the revolutionary right of sesession; not the suicidal right to destroy the Government; but that great peaceful right to regulate their domestic institutions in their own way, subject only to the Constitution of the United States. These are rights that existed before the Constitution, inherent in the States, and cannot be taken away. There can be no misunderstanding upon this subject; it is so plain that the wayfaring man, though a fool, need not err therein.

The Federal Government possesses only such powers as are delegated to it by the States; beyond that all is usurpation, and in no wise binding upon the people. Up to eighteen hundred and sixty, all political parties agreed upon this point. The Chicago Platform of that year, upon which Mr. Lincoln was elected, in order, I suppose, to appear constitutional and just, contained a resolution—I cannot give the exact words, but I can the substance—proclaiming in favor of the rights of the States as essential to that balance of power upon which our republican institutions depend. Upon that count there was no issue joined; the doctrine was admitted by all. But it is now said that the war has destroyed State rights. If that is so, then the Constitution is destroyed also; and the war has not only proved a sad and lamentable failure, but ruinous to the Government it was vainly thought to have maintained. The fact is, that the war has in no wise impaired our political system; the relative position of States to the Federal Government is the same to-day that it was before the war; the same barriers are there, the same rights exist, and an attempt to change or subvert them now is as much treasonable as it was when the Chicago Platform denounced the armed invasion of States, no matter under what pretext, as among the gravest of crimes. Why, sir, if State rights are destroyed, allow me to ask, by what authority are we assembled here? By what authority do the people of California institute judicial tribunals and elect officers to execute their mandates? And here, Mr. President, by way of illustration, allow me to ask you how does the Federal Government protect you? Does it protect your life, your liberty or your property? Suppose a mob assails you and destroys your property, where do you go to seek redress? Do you go to the Federal Courts or to the State Courts? Suppose the right to your property which you legally hold is questioned and violence is attempted, where do you go for protection? Do you go to the Federal soldiers or to the Sheriff with his posse?

Why, Mr. President, you remember a few years ago, when a body of men, without the fear of God, man or the devil before their eyes, organized in San Francisco and openly defied the Constitution and the laws. When a few men there, true to the State and the legally constituted authorities, called upon the Commander of a United States vessel and requested him to interfere for their protection, he told them "No, I have no power to protect you; look to your State; I am an officer of the Federal Government; the State must protect its own citizens." We all admitted the truth of his statement, and waited for the people to settle it, which they did triumphantly, and fastened the brand of murderers upon them, and their names and their acts are to-day another word for all that is loathsome and criminal. I have cited this fact to illustrate the relative powers of the Federal and State Government. As institutions, one may be dependent upon the other, but to the individual citizen of a State the Federal Government is foreign and entirely unapproachable, except to contribute to its support. All the protection the citizen receives to his life, liberty or property, comes from the State in creating and administering its own laws. And how came the States by this power? Does the Constitution of the United States give it to them? No. It is a power that they did not give to the Constitution; it is a portion of the reserved rights of the States, to be exercised by them absolutely and in their own way. And for advocating this doctrine, within the past six years, I have been denounced as a traitor by the contracted toadies and brainless enthusiasts who have floated upon the popular current, feeding upon the scum arising from the putrid carcass of a sinking loyalty. To be denounced by such men, is one of the solid assurances of political rectitude and sagacity; it is more acceptable to me than their sanction or applause. Another of the undoubted rights of the States, is to enact laws regulating the elective franchise—a right never questioned until the centripetal force of radical legislation found it necessary to consummate its despotic heresy; now it is considered to be a subject purely of Congressional discretion, and to doubt its power, and to express a desire for States to settle this subject for themselves, is called an impediment in the way of reconstruction. Allow me to ask, sir, where in the Constitution does Congress find the authority to lay down the ultimatum of negro suffrage to the State of Virginia? Does the Constitution warrant such an outrageous demand? Has any decision of the Supreme Court been rendered giving even the color of validity to such questionable authority? Certainly not. Where, then, is it to be found? Is it in Article Ten of the amendments of the Constitution, which reads as follows: "Article X—The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Most assuredly not there, sir. Where then, is it to be found? Why, sir, it is found to come from that source whence all usurpations emanate; from the unbridled will of a reckless, tyrannical and revolting majority. And it is called a "situation that the people of Virginia must accept." Mr. President, it is sadly unfortunate that the framers of the Constitution did not adopt a provision for such situations. The right of each State to pass laws regulating the elective franchise is a right that, in the language of the Constitution, has never been prohibited to, nor delegated by the States; and, sir, if this instrument is not a cheat and a delusion, then the States possess that right, and Congress has no more right to say who shall be voters than it has to say who the people shall vote for to administer their local government.

If the Constitution is the supreme law of the land, it must be strictly complied with; to disregard one of its provisions is, in spirit at least, a violation of the whole instrument, and our Government, instead of deriving its powers from this plainly written law, is a mere phantom, resting upon the *ipse dixit* of the party in power.

Mr. President, when the Courts are called upon to interpret a law that may be from necessity ambiguous, the object sought is to arrive at the intention of the framers of such a law. If this proceeding is correct, and I suppose none will doubt it, then the intention of the framers of the Constitution must be taken upon points in controversy, where the text may be differently construed by opposing parties.

And now let us see, sir, what the verdict will be when submitted to the great arbitration of those who brought the Government into existence.

Mr. President, it is fortunate for the country that the debates which took place upon the formation and ratification of the Federal Constitution have been carefully preserved. By them we can arrive at a correct conclusion and a proper understanding of the intention of the great men who gave birth to that immortal instrument. By close attention and careful investigation of these debates and the opinions expressed by them upon other occasions, we are irresistibly forced to the conclusion that their intention was to clothe the General Government with such powers only as were *expressly* delegated, and all powers not expressly delegated were reserved to the States. Such, sir, was the understanding of all who took part in framing the Constitution; and those who subsequently opposed it in their respective States did so, not because they feared that while they lived that their intentions would be misconstrued, but for fear that in after years it might possibly be construed that they intended to give the General Government more power than was expressed in the instrument itself; while those who favored its adoption were satisfied that it could never be contended successfully that the General Government possessed more powers than was expressly delegated. While those men lived there was no question about it. It was never contended by the most violent opponents of the Constitution that it gave the General Government powers other than those expressed. Their principal opposition was that it lacked a bill of right; and subsequently, to satisfy all parties, the amendment that I have just read was adopted, and all opposition ceased. The adoption of that section settled the matter to the satisfaction of all; it bounded the powers of the Federal Government clearly and positively, beyond misunderstanding or dispute, and it was so regarded by all.

Mr. Madison, the great defender of the Constitution, and who has justly been termed its father, in commenting upon this subject, says:

"I am satisfied here with briefly remarking that in all the contemporary discussions and comments which the Constitution underwent, it was constantly justified and recommended on the ground that the powers not given to the Government were withheld from it; and that if any doubt could have existed on this subject, under the original text of the Constitution, it is removed, as far as words could remove it, by the Twelfth Amendment, now a part of the Constitution, which expressly declares, 'that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.'"

Upon the adoption of that amendment, says this great man, all doubt was removed as far as words could remove it.

Again, sir, in that celebrated address upon the Virginia Resolutions, which has come down to us through almost a century of political strife and confusion, yet remaining bright and unspotted as the sun at noonday, he says:

"For the honor of American understanding, we will not believe that the people have been allured into the adoption of the Constitution by an affectation of defining powers, whilst the *preamble* would admit a construction which would erect the will of Congress into a power paramount in all cases, and therefore limited in none. On the contrary, it is evident that the objects for which the Constitution was framed were deemed attainable only by a particular enumeration and specification of each power granted to the Federal Government; reserving all others to the people, or to the States.

This, Mr. President, was the understanding, at the time, of all the distinguished statesmen who participated in the debate.

[Here Mr. Lewis appeared to be much fatigued, and his voice failing.]

Mr. MANDEVILLE requested that the Secretary might read the extracts that the gentlemen desired.

Mr. LEWIS—I thank the Senator for his suggestion; but what I have to read is short and will not occupy much of my time. Mr. President, you will remember that the amendments were adopted "to more clearly define the powers of the Federal Government." It was contended that the original Constitution was indefinite, and in order to finally, and for all time, settle the question, the amendments received the willing approval of the people. But, sir, to show that the Tenth Amendment was in fact unnecessary, and to show how the framers of the original instrument construed it, let me intrude upon the patience of the Senate a few moments longer. Mr. Spencer, a member of the North Carolina Convention, while this subject was under consideration, and in reply to those who considered the Federal Government restricted by the terms of the Constitution, said:

"I acknowledge, however, that the doctrine is right; but if that Constitution is not satisfactory to the people I would have a bill of rights, or something of that kind, to satisfy them."

He was opposed to the Constitution for the reason that it contained no bill of rights; he had no doubt himself, but he wanted "to satisfy the people." And they doubted it, because there was no clause in the Constitution at that time expressly reserving to the States the powers that had not been delegated. And, sir, you will find by reading the debates that took place in all the States, that this was the great cause of complaint with those who opposed its ratification. Patrick Henry launched against it the power of his tremendous logic and thundering eloquence, for the reason that the powers of the General Government were not sufficiently restricted; that it contained no bill of rights; that it gave more power to the Government than was intended by its framers. But, sir, he was met by the unanswerable logic and sound reasoning of Mr. George Nicholas, who said:

"It is agreed upon by all that the people have all power. If they part with any of it, is it necessary to declare that they retain the rest? Liken it to any similar case. If I have one thousand acres of land, and I grant five hundred acres of it, must I declare that I retain the other five hundred? Do I grant the whole five thousand acres when I grant five hundred, unless I declare that the five hundred I do not give belong to me still? It is so in this case. After granting some powers, the rest must remain with the people."

Such was his understanding of the powers of the General Government, and such was the understanding of all who favored the adoption of the Constitution. But, sir, to make it doubly sure, and place it beyond all doubt, the amendments were adopted, which left it beyond controversy.

Mr. President, I would like to hear from the other side upon this question. And, sir, without being personal, I will ask the distinguished Chairman of the Judiciary Committee, Mr. Belden, who is justly regarded as the leader of his party in the Senate, and of whom I am exceedingly proud as coming from the State of my nativity, I will ask him to harmonize, if he can, his political creed with the true and honest theory of the Government.

There is much more evidence of this character that I intended to produce to show the intention of the framers of the Constitution, but I have no desire to waste the time of the Senate in reading evidence upon a point that cannot be denied. That the States possess the absolute right to exercise all powers not delegated to the General Government is beyond all controversy; and as the right to regulate all franchise laws has never been surrendered, it must of consequence remain in the States.

Mr. President, it is idle to discuss these questions, so clear to all not willingly blind; it is impossible that doubt should linger when the evidence so unerringly points out the truth, to dispel the ruinous theories of men, whose only hope and ambition is to retain their "brief authority" at the sacrifice of a wise and perfect Government.

That the nation has ended her mission, unless wiser and more liberal counsels prevail, is a fact mournfully apparent to all men of common intelligence. I would it were different; but the truth, sorrowful as it is, meets us with its unerring index, as we raise the veil and penetrate the future to solve the problem of man's capacity for self-government. Decline and misery, with its long night of anarchy, rises in fearful contrast to the happiness and glory of the past. The fires upon the altar of Freedom, kindled by the sages of the Revolution, cast their bright rays far into the darkening future, as if to taunt the unfortunate with the glory they have lost. The zenith is passed; downward is written upon the pallisades that skirt the highway to the unknown future. Hopeless and dreary the nation gropes its way to the vortex and is lost. In the path of charity and forgiveness, the chasm may yet be avoided. Forgetting the unnatural conflict of the last seven years, in which has been aroused all the baser elements of man, and yielding a guidance to the pure messenger of friendship, a lasting peace and brotherly love may prevail throughout the land.

The experience of nations that have risen, flourished and fallen, leaving their shattered monuments and crumbling temples as the mute harbingers of their departed glory, teach the great lesson in the science of government, proved by the ordeal of time, by which may be avoided the errors and follies which proved their destruction.

Rome, once the defiant master of the world, boasting of an eternal existence, in the sublimity of her conquering grandeur and superior genius, her triumphal arches and her dazzling festivals, forgot the great secret of her endurance, yielded to internal strife, defied the never-erring laws of nature, and fell, leaving her proud history as the sole offering upon the altar of Time. If we would shun the disasters of the past and profit by the experience of ages, we must banish the heartburnings and jealousies which are ripening discord, and yield to the better judgment of men with whom the consuming cancer of hate and envy is unknown,

and a future, proudly resplendent and gloriously triumphant, will be our reward. That such a future may be ours is my most earnest and sincere prayer. [Applause.]

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SPEECH

OF

HON. BENJ. R. NICKERSON

(AN OLD LINE REPUBLICAN),

At Platt's Hall, San Francisco, October 3d, 1868, upon

OFFICIAL CORRUPTION;

DENOUNCING

SECRET OATH-BOUND POLITICAL ORGANIZATIONS.

EXTRAVAGANT GOVERNMENT EXPENDITURES,

AND

Providing for the Payment of our National Debt.

SAN FRANCISCO:
1868.

CALIFORNIA

SPEECH OF

HON. BENJ. R. NICKERSON.

Ladies and Gentlemen:

The position I occupy this evening is somewhat novel. Generally when I have spoken in public it has been in behalf of the principles of the political party to which I belong, and also in behalf of the candidates nominated by my party, This evening I speak for no man, and still less for any party of men ; I speak my own thoughts, and shall comment upon men and measures as I understand them, without reference to their professed political opinions.

You will allow me to proceed in a conversational manner—making no effort at elocution nor even connected ideas. If you will give me your patient attention I will endeavor to be understood. My voice may fail, if so, I shall claim to be excused from further remarks this evening. Again I ask your quiet attention:

It is, perhaps, generally known that I was a delegate, duly accredited, by the Republican party, to the National Republican Convention, at Chicago. It may be proper to state the circumstances that led to the appointment of two sets of delegates from California. Before the delegates to the State Convention last Fall were nominated, to make our State nominations, the Republican party throughout the State had, with extraordinary unanimity, as expressed by the party press, centered on Major John Bidwell for Governor.

GORHAM'S NOMINATION A FRAUD.

Other candidates, self-constituted, were seeking to obtain the coveted nominations within the party organization ; finding themselves entirely powerless to do so, one of the number, more ambitious than discreet, conceived the idea of accomplishing by strategy what could not be done by party usage. This over-ambitious youth obtained the aid, for a consideration, of a willing instrument in the person of one John Wilcox, of Mariposa county, an avowed Democrat, who was at once installed chief manager of the fraud. whereby the Republicans of San Francisco were to be cheated out of a voice in said Convention. Wilcox, under instruction from his employers, at once went to work organizing what they called Eight-Hour Clubs throughout the city, composed mainly of his political friends, the broom-rangers. They met according to orders, for the purpose of nominating delegates to the State Convention called by the Republicans; the name of each delegate before being nominated was selected by George C. Gorham, and by him submitted to this Eight-Hour League for ratification.

I have the authority for what I say upon this subject, of the Rev. J. E. Benton, who was one of the chief managers of the fraud, remaining at his post until the balloting closed.

I chanced to meet Brother Benton as he retired from the polls, his face all aglow, exclaiming as he approached : "We have got it ! we have got it!" Knowing this man of God was a professed embassador of the King of Kings, I supposed that some poor, lost sinner had, through his instrumentality, been reclaimed from the error of his ways, and his feet established upon the Rock of Ages. No ; alas! he was finally able to articulate, in broken sentences, "The boys have carried San Francisco, and George C. Gorham will be the next Governor." What a fall, my countrymen.

Under the manipulations of this would-be-Governor, the Union Central Committee called no primaries, but allowed these bogus leagues to nominate and elect 63 delegates from San Francisco, whom they determined should hold seats in the State Convention, to the exclusion of the 63 delegates chosen according to established usages by the Republican party. A too willing co-conspirator was placed temporarily in the chair, and ruled the delegates of the broom rangers entitled to seats, thus breaking up the Republican Convention, and placing it at once in the hands of its enemies. The result was, of course, nominating for Governor the chief originator of the fraud, and the chairman of the conclave, for the second office and so on to the end.

REVISED TICKET.

Under these circumstances the Republicans throughout the State, justly indignant at the unparalleled outrage sought to be inflicted upon the party organization, determined to appeal to the people to redress the wrong, who, with one voice, demanded another State Convention, which being called, composed of eighty delegates from the most populous counties in the State, assembled at Sacramento, and after striking off the three chief corruptionists at the head of the ticket, the Convention put forth a revised ticket, with the view of compelling Gorham, Parks and Howell to withdraw, and leave the Republicans united upon one ticket. They refused, and finally induced Major Bidwell to withdraw a few days before the election,

compelling the State Central Committee to supply the vacancy, which they did at once by the election of one of our most highly esteemed citizens, and, perhaps, personally, the most popular and competent man in the State for that high office—the Hon. Caleb T. Fay. We had no expectation of electing him, but desired to keep our organization perfect, preferring the election of honest Democrats to being a party to a fraud that transferred the party we had built up, and placing its interests in the hands of men whose very names are offensive to every honest man in the State. Mr. Fay, myself, Col. Jones, Mr. Wood, and others canvassed, as far as possible, the most populous counties in the few remaining days prior to the election, proclaiming everywhere our earnest desire for the election of H. H. Haight, the Democratic nominee for Governor, who had proved himself a true Union man through the war, while the legislative plunderer, Geo. C. Gorham, had opposed to the extent of his ability the Republican party until it became the dominant party in the State and nation. When Gorham with his heresy of universal polical brotherhood black, red, China and gorilla, came to our party, demanding positions of trust, many other honest and true men, like Gov. Haight, who knew them and their designs, withdrew in disgust. The consequence was, under the crushing weight of Gorham's candidacy, the Republican majority of 17,000 was easily overcome, and Gov. Haight was elected by 10,000 majority. He has made an honest and faithful executive officer, and in all the elements of manhood and statesmanship is as much the superior of George Gorham as the sun at noonday outshines in brightness a keg of tar sitting in an obscure cellar, enshrowded in eternal gloom. [Applause.] I congratulate the people of the State upon its happy deliverance.

It is but justice to Governor Haight to say that he left the Republican party at a time when it was all powerful in the land; while Gorham, Sears, Stewart, Delong, O'Connor, Conness, *et id omne genus*, leaped from the hurricane deck of the sinking ship of Democracy for their party's good. They charge me with being a copperhead—I who have voted for President against every Democratic nominee in my day, commencing with Van Buren, in '36, and ending with McClellan, in '64.

BOGUS DELEGATES TO CHICAGO.

When the time arrived for holding a State Convention to appoint delegates to the National Republican Convention, at Chicago, the notorious Wilcox having retired, denounced by his deceived followers, with his ill-gotten gains, to his hiding place, in Mariposa, a new dodge was enacted. When the primaries were called, it was found that all the nominations in the various wards of the city had been put up by a clan of secret oath-bound political organizations, unknown and unrecognized by any political party, gotten up mainly by men entirely destitute of character or responsibility. So utterly disgusted were the Republicans of the whole State that less than four thousand votes in the State were polled, the notorious Sears receiving in a ward where the Republican vote was at least twelve hundred, *sixty-one votes*,

OATH-BOUND SECRET SOCIETIES DENOUNCED.

I may as well right here stop, and enter my protest, denouncing all secret organizations having any connection with political affairs. They are subversive of the rights of the people; they are anti-republican; they are in direct conflict with the principles upon which our system of government rests. We justly, in my judgment, denounced the oath-bound Knights of the Golden Circle, because of their deeds of darkness, perpetrated against the liberties and peace of the people. We denounce, also, the Kuklux Klan for their atrocities. It has been said the Grand Army of the Republic is not political. It is patriotic and purely benevolent in design. It is said Freedom's Defenders are patriotic also; that the Grant Invincibles is also a patriotic name, in nowise political.

It is all a delusion, a cheat, a fraud. Know ye not that a "rose by any other name smells as sweet?" Know ye not that in the name of Christianity there has been more blood shed than for all other causes that have desolated the earth since the world began? I may be asked, "Did you not belong to a secret order called Know Nothings?" I answer yes, and for that reason I speak advisedly as to the tendency of kindred political associations. Having been educated a Whig, and consequently opposed to ignorant suffrage. I joined this order, being informed that was its only purpose. I soon found, however, that I was sworn to wage an indiscriminate crusade against all our foreign population, utterly ostracising them from ever holding political position under the Government they had sworn to support; and, also, against the religion of a large and respectable portion of our citizens, both native and adopted. I withdrew, not being willing to lend my aid to an organization whose principles were in direct conflict not only with the spirit, but the letter of the Constitution of the United States. It is true, we have the assurance of Brother Stone, Brother Cox, Gen. Aikin, Brother Pixley, and the Lord knows how many more, that these societies are purely benevolent, having no political significance whatever—only secret for self-protection. I trust these Rev. gentlemen will not question the authority I invoke, which declares that "By their fruits ye shall know them." "Men gather not grapes off thorns, nor figs off thistles." I will read from an official document or two that has emanated from within their dark-lantern recesses, and forwarded to a State Convention, called professedly in the interest of the Republican party, to appoint delegates to the Chicago Convention. It will be borne in mind that I am not denouncing political organizations as such, nor am I questioning the patriotism of most of their members. Many I know to be high-minded and honorable men. It is their secrecy in political affairs that I condemn.

In the State Convention referred to, a Mr. Verdenal, whoever he may be, said, "I place in nomination Maj. John Stratman, who organized a political institution in San Francisco, the power of which is to-day felt throughout the State. That organization is the order of Freedom's Defenders, and now, in view of these things, I think the least the Union Convention

can do is to give him their indorsement, and send him as a delegate."

The President said in this connection he would read two communications addressed to him upon the subject of nominations :

San Francisco, March 30th.

To the President and members of the Union State Convention to assemble at Sacramento on the 31st of March, 1868—Gentlemen : The following resolution, offered by F. M. Pixley, before a meeting of the order of Freedom's Derenders, on Saturday evening, March 28th, was unanimously adopted :

Resolved, That Colonel James Coey, Grand Commander of the Grand Army of the Republic of California, has the confidence of this Council ; and whereas, by his service in the field, his well known loyalty and devotion to his country, and his fidelity to the Union party, he eminently commends himself to our regard ; we, therefore, present him as a worthy and proper gentleman to be selected by the Union State Convention as a delegate to represent this State in the National Convention to assemble in Chicago.

The following resolution, offered by D. F. Verdenal, at the same meeting, was unanimously adopted :

Resolved, That Major John Stratman is a thorough-going, earnest Union man, who, by his efficient service for the Union cause, is worthy the consideration of the Union State Convention, as a delegate to the National Republican Convention to be held at Chicago.

The foregoing is a true transcript from the minutes. W. BAUSMAN,
Secretary G. C. Council Freedom's Defenders.

Hall Grant Invincibles, }
San Francisco, March 28, 1868. }

To the President of the Union State Convention, Sacramento—Dear Sir : At a regular meeting of the organization of the "Grant Invincibles," held this evening, March 28th, on motion of Benjamin F. Lee, the following resolution was unanimously adopted :

Resolved, That Major John Stratman, by his unswerving devotion to the cause of the Union party since its organization, and by virtue of the many services he rendered in the Lincoln campaign—making many sacrifices to insure the election of the martyr President—is deserving support of all Union men for election as a delegate to the Chicago. Convention ; and that we do hereby proclaim him our first choice to represent this district, or the State at large, as such delegate.

On motion, it was further ordered that the Secretary of the "Grant Invincibles" transmit a copy of this resolution to the President of the Union State Convention.

[A true copy.] FRED. HARRINGTON.
Secretary "Grant Invincibles."

Not political, no, no. In the language of Dr. Stone, "just secret enough to protect *themselves*." "You tickle me, and I will tickle you," is the doctrine. Verdenal nominates Stratman. President Pixley indorses and nominates "Colonel James Coey, Grand Commander of the Grand Army of the Republic of California." Verdenal's resolution passed unanimously, and is officially forwarded to a political Convention. President Pixley's time soon came, and he is now nearly tickled to death, being indorsed by the same system of tactics for an important office. Who is Jack Stratman, who is thus put forward as the representative man of a great and respectable political party? To say the best of him, he is a conspicuous figurer among the class known as the roughs of San Francisco ; but more of Stratman by and by. Who is James Coey thus indorsed in secret counsels, and his appointment demanded of a political convention, because of his connection with a secret order called "Grand Army of the Republic?" He may be, and, for aught I know, is a worthy young man, but he has no status whatever in California, political or otherwise. He arrived in this State a few months since with a very small-sized carpet bag, which he put down just long enough to take a lunch or two, when he is put forward, by an irresponsible cabal, for the responsible position of delegate to a Republican National Convention, and no sooner than elected came a stream of letters to our Representatives in Washington, commencing with the late commander and head of the secret oath-bound order, who sits at the receipts of customs, clear down, passing Pat C. O'Connor to the little man with a great name called Brigadier-General Govenieur Morris, all demanding an important federal appointment for this newly-appointed representative of the order called "Grand Army of the Republic." It was finally found necessary to procure the services of a Democratic army officer from New York, as office broker, by the name of Egan, whose draft of $700, for the first installment for official services, arrived several weeks since, and I learn, was duly *dis*-honored. I will refer to this matter in another connection.

I may be asked why not denounce the secrecy of Masonry and Odd Fellowship. Whenever they shall meet in counsel and pass resolutions demanding of a political convention for any members of their order political preferment, will be the proper time to express my dissent, but I must not condemn so long as I see nothing emanating from their deliberations but the highest evidences of Christian charity, benevolence and good will, and the elevation of the whole family of man while living, and the exhibition of brotherly love and filial regard for their membership when death overtakes the humblest of their number. We have high authority for saying: "A good tree cannot bring forth evil fruit, neither can a corrupt tree bring forth good fruit."

DELEGATES AT CHICAGO.

Both delegates met at Chicago. I called at the headquarters of the National Executive Committee to attend to the preliminaries before the convention met. Governor Ward, of New Jersey, chairman of the committee, asked me if I belonged to the California delegation headed by Governor Gorham. I told him there was no such man in either delegation as Gov. Gorham, nor was he an alternate. I told Gov. Ward I was chairman of the Republican delegation, and Major John Stratman I had learned, assumed the leadership of the the bogus delegation. Gov. Ward invited me to meet the Executive Committee at three o'clock, when they

would ascertain who this pretended delegate calling himself Gov. Gorham was. I went and found Geo. C. Gorham acting as spokesman for the Stratman delegation; they had taken care to leave poor Jack outside. Gorham was reiterating the falsehoods with reference to their claims to seats, which he had directed Sears to make in open convention, but was compelled when pressed, to admit that he was not exactly Gov. Gorham, nor was he a delegate, only a friend of the delegation. Being at once invited to take a seat outside of the committee room, Governor Ward introducing me to the Committee, who expressed their surprise at the audacity of a man attempting to palm himself upon the National Executive Committee as chairman of a delegation of which he was not a member, I told them that nothing need surprise them so far as cheek was concerned, from that quarter. I gave the committee a history of the breaking up of the Union party by yielding up its organization to the control of outside clubs, and the consequent defeat of the Republican party in our State, which I in part represented. The committee at once accorded me as chairman. Five tickets and five alternates in the convention.

HOW TO DISPOSE OF NICKERSON.

I ought, in the proper place, to have spoken of the various plans proposed in the Stratman delegation to dispose of me, but as the lawyers say, I will speak of it, *nunc pro tunc*. I have the authority of one of the delegation for what I say. Green said he had long been acquainted with me; that I was a very clever fellow in my way, and a good man to let alone. Not so *Governor* Gorham; he could fix it up by strategy; he had letters from Senator Conness which would make his will the law governing the delegation; he could keep me from getting a seat in the convention. To make the contest even, therefore, the Governor was put forward as spokesman before the ex-committee.

Stratman hearing on the outside of this arrangement, demurred, saying that he as chairman would take the matter into his own hands; he would gouge my d—d eyes out. His plan was voted impolitic at that stage of the proceeding, hence you see by mere sufferance I still have two eyes. Let no one suppose I have any personal ill will toward Stratman I have never spoken to him but once, and that on business, and it is due to him to say that he committed no assault whatever, nor was his manner as offensive as I had been led to anticipate.

ORGANIZATION OF CONVENTION.

Before the convention met, I had, in anticipation of the preliminary organization, proposed to have California passed by rejecting all parties from the Committee on Credentials, and also permanent officers. When the State was called, Sears named a member of the Committee on Organization; a friend of mine stated the condition of our double delegations.

Mr. Sears, of the bogus delegation, said:

"We do not desire to bring this contest here. The delegation opposing us held no convention; one or two went into a back room and elected delegates to the convention. I cannot understand why the National Committee has recognized this delegation. I desire the convention to reject them, and not compel us to go before the Committee on Credentials when there is no contest."

Mr. Nickerson, chairman of the contested delegation, said:

"Gentlemen of the Convention, I desire to ask this convention if it is prepared to hear in open convention the questions which we are prepared to submit, where we suppose they properly belong, to the Committee on Credentials?"

Several delegates arose and declared the question entirely out of order, and the whole matter was referred at once to the Committee on Credentials and Order of Business, composed of one from each State whose States were not contested, California and Maryland being, upon our motion, excluded by vote of the Convention. But one speech was permitted from each delegation. Notwithstanding, Stratman had crowded into the committee room, unasked and against the rules, his whole delegation and Wm. M. Stewart and Charley DeLong, of Nevada, George C. Gorham and others to back up their pretensions. Gorham not being allowed to speak, sat by and instructed Sears what to say. He repeated his harangue in convention, with variations, and if there was ever as many unblushing falsehoods contained in the same number of lines it has escaped my notice. I took up his charges *seratim*, and by official documents in my possession, showed their falsity in every important particular. Among other things he charges me with being a copperhead, yet this man Sears, who a few years since got up and run himself in Nevada county, upon a bogus ticket, composed mainly of Democrats, thus defeating the regular Republican candidates, and was himself driven in disgrace from the county.

In this connection I ought perhaps to read an extract from one of the leading Republican journals of Chicago of that day. They say:

"There were several intensely interesting episodes in yesterday's proceedings. The first was the intrusion upon the convention, if we may call it that, of the bitter factiousness of California. There were two sets of delegates present, each claiming to be *the* delegation. The spokesman of the delegation which was decided to be entitled to vote, charged the contestants with having affiliated with copperheads, from which we infer that they belong to the anti-Gorham faction, which, co-operating with the Democrats, defeated the nominee of the Republican party. It seems to be generally conceded that Gorham was unfit for the office of Governor, and that Haight, his opponent, was well qualified, and it was thought that the ill-feeling engendered by the bolt would soon die down; but it would appear from yesterday's indications that it still rankles. If ever a bolt was excusable, it was last year in the Golden State."

The Committee, after a patient hearing, decided that they, as a National Committee, had not power to go behind the vote as finally polled at the State election, although voting under protest, therefore they were compelled to allow Stratman & Co. to cast the electoral vote, which they did, voting throughout against the nominee for Vice President, until their vote could do

him no good, when Jack Stratman bellowed louder than any man in convention for Grant and Colfax.

I made an error by listening to the advice of a majority of our delegation. My plan was to appeal from the recommendation of the committee direct to the Convention upon the presentation of this report. I thought then, and afterward was assured, that the convention would have sustained me by dividing the vote between the two delegations, which is all we desired.

The day after the convention closed, being engaged in front of the Sherman House, I saw a noisy crowd of roughs rushing through the streets, and when they came near, I saw they were headed by your representative man, Major John Stratman. Among the train I noticed Pat C. O'Connor, James Coey, Gorham, Sears and others, the chairman exclaiming in the tone and manner peculiar to the class to which he belongs, "Gentlemen, look out for your pocket-books, there are pick-pockets around." Do not understand me for a moment, in doubting the truthfulness of the remark, nor of *his* ability to speak understandingly upon the subject. I submit whether you approve of his thus publicly proclaiming their character in the streets of Chicago, while acting as your representative. I will not follow the clan in their bacchanalian orgies on their way, nor in the city of New York, nor am I at liberty to speak of their companionship, either masculine or feminine; I was not present, I only heard common reports.

I would ask the true men of the Republican party if they intend to give over the management of their party into the hands of these shoulder-hitting, eye-gouging, secret, oath-bound "defenders of freedom?" Who is this club-regulating leader of a great party, composed, I should hope, mainly of gentlemen?

In the language of Dr. Watts, allow me to exclaim, adopting it as my own: "Great God! on *what* a thread hang all important things."

It has been said that since the skinning the Stratman delegates received at Chicago a great improvement has taken place in their manners and morals. This possibly may be so; God knows there is a wide margin.

While I dislike very much telling stories on occasions like the present, I cannot resist the temptation to relate a short one, related by the Hon. Baylie Peyton some years since, at a large political meeting of gentlemen and ladies at our State Capitol, which happily illustrates the case at bar:

A sugar planter in Georgia employed a Yankee schoolmaster, who soon got to be overseer, and finally courted the planter's daughter. He asked the old man's consent; the old man rather liking him, was about to give his consent, but said that in justice to himself and his daughter it was necessary to mention a circumstance that had occurred in his family. His daughter, when young and indiscreet, had had a mulatto baby, but it was due to her to say that she had greatly improved. She had had two babies since, but they were both white.

This is about the style and quality of the improvement that I have noticed in this crowd. [Great applause.]

THOMAS FITCH NOMINATED.

Our sister State of Nevada has caught the contagion, and the same secret conclave have put forward for Congress the notorious Tom Fitch, Jr., who several years since, in consequence of his infamous character, was driven in disgrace from this State. It will be remembered that in 1862, when the pretentious ward politician, John Conness, of Eldorado, put forth his claims to the seat in the Senate, made vacant by the death of Senator Broderick, I was decidedly antagonistic to him on the ground of utter unfitness. Tom Fitch, as per contract, espousing his cause, and was by the Conness wing put forward for the Legislature, pledged to vote for Conness, I opposed him upon the ground of bad character, and pledged myself to make the charges which I had named, good. At a meeting called for that purpose in the city of Placerville, August 15th, 1862, I produced some of the evidences, among which I will now read a few. I telegraphed to his father-in-law, Mr. Manyhew; this is his answer:

"SACRAMENTO, August 4th, 1862.

"To BENJ. R. NICKERSON:—He was arrested and lodged in jail at St. Joseph, Missouri, for swindling. His brother Masons compromised his debts, endorsed his notes, procured his discharge, and he cheated these friends; a grand scoundrel. See Fairchild of your city, he knows all about it."

I telegraphed, also, to the Clerk of the Criminal Court of St. Joseph, Missouri; this is his answer:

"ST. JOSEPH, MISSOURI, August 7th, 1862.

"B. R. NICKERSON:—Thomas Fitch, Jr., was indicted in March, 1860, for obtaining goods under false pretenses. The indictment was afterward dismissed, the debts having been compromised by others."

Having heard of a firm defrauded by him, I telegraphed to that firm; this is their answer:

"ST. JOSEPH, August 14th, 1862.

"BENJ. R. NICKERSON:—Thomas Fitch committed frauds on us and others. He was indicted and escaped from custody."

I also telegraphed to J. K. Sharpstine, editor of the Douglas paper, at Milwaukee, and delegate to the Baltimore Convention, now a prominent lawyer of our city; this is his reply:

"Thomas Fitch, Jr., was arrested for swindling his creditors, and made his escape."

I had also charged him with having been expelled from the Masonic order for grave offenses. He denied ever having belonged to the Order. I now read from the official copy of the Grand Lodge, St. Joseph, page 67:

"St. Joseph, Chapter No. 14.—Died, John W. Hanson; suspended, H. S. Crowell; expelled, Thomas Fitch, Jr. You can find a copy with A. Abel, Grand Secretary of this State."

I also received the following letter from the Treasurer of the Royal Arch Chapter in San Francisco:

"SAN FRANCISCO, August 9th, 1862.

"To your inquiry I have to state that he (Fitch) admitted to me that he was the Thomas Fitch, Jr., who was expelled, and advised with me as to whether any course could be taken

whereby he could be reinstated. I am credibly informed that he has since denied ever having belonged to the Order. This being the case, you can judge of his character for truth and veracity. JAMES LAIDLY."

This same Tom Fitch, according to the laws of the State of Nevada, as also the laws of God, stands branded not only a felon, but a murderer, in attempting to take the life of his fellow man; and, I believe, received either in his knee or some other small member of his body, from his antagonist, a slight shot; and by the laws of that State he is disfranchised and utterly disqualified from holding any office, and yet he is put forward by the Ku Klux Defenders of that State, to represent them and disgrace you, in the Congress of the United States.

CONNESS VENTILATED.

Who is this Conness, to whom these curb-stone politicians are toadying? A renegade Democrat of El Dorado, who never earned an honest dollar in the county; who, a few years ago, said in my presence at Sacramento, that "had he the position and power of General McClellan, he would march on Washington, and make old Abe and Cabinet prisoners within thirty days." He now declares that his "salary is but a bagatelle of his expenses." The question naturally arises: whence comes the remainder? and echo answers, whence? Common sense, and still more common report, answers, stealings from unclean and corrupt legislation. After making the tour of Ireland, he returned to this State some two years since, accompanied by a very interesting traveling companion. Hasting to his chateau, composed of shakes, surrounded by a luxuriant growth of cabbage heads, in the rural village of Georgetown; from whence he betook himself to an elevated plateau in the Sierra Nevadas, and there, fanned by the gentle breezes that come murmuring through the branches of the lofty pine, listening to the still softer notes of his dulciana, basking beneath the shade of a friendly oak, beside the placid waters of an unknown lake, to which the care-worn statesman gave the romantic name of "Angelica." Returning to the scene of his former weakness, as he passed through our city, he was compelled at least to apologize for taking no part in the important canvass—his only speech at Platt's Hall being distinguished for nothing but a low, cowardly assault upon one of our most respectable and justly distinguished citizens. He not only attacked his patriotism and private character, but also his religious faith. The effect produced was the placing of the traduced in the seat occupied by the traducer, and driving him into the obscurity for which nature's God designed him. The honor for the part I took it the canvass which resulted in the defeat of these small potatoe demagogues, I would not part with for anything short of a seat beside St. Peter, in the land where ruffianism entereth not.

It may not be generally known in this State that the mere mention of Conness' name in connection with Wade's Cabinet, lost the Impeachers the votes of several Senators, who voted to keep Johnson in his place rather than make Ben Wade President, with Conness as Secretary of the Interior; and his avowed determination to fasten himself upon General Grant, demanding position under him, will lose General Grant many votes in this State where Conness is utterly repudiated.

If General Grant shall be able to carry this State with this dead weight upon his shoulders, it will be a greater victory than his success at Vicksburg.

REPUBLICAN PARTY TOO PURE.

While talking the other day with a very worthy gentleman—a man of entire respectability—one that has done more than any other fifty men in this State to build up and consolidate the Republican party, and give it prestage—he said, when I called his attention to the subject I am now discussing, that the Republican party, like the Whig party, had become entirely too respectable, and we must come down, and put forward Fitch and Stratman, and all that sort of men, in order to carry the roughs of the community with the Republican party. "Hung be the Heavens in black," when good men fail.

"If these things are found in a green tree, what may we expect in a dry?" If the Upsons, the Collinses, the Coxes, the Staples, the Stones, and other men of character, shall thus fall into the current, and see the great party of progress lower its standard for a temporary success, what may we not expect of such Kluxers of freedom as Nat. Browton, Zeke Wilson, George Gorham, Jack Stratman, Billy Carr, Sears and Conness?

Mark you: I do not speak of these men in the sphere for which nature's God designed them. He created deserts and caused poisonous plants and the Upas tree to grow in the most fertile and beautiful valleys. He even created spots upon the surface of the great fountain of light and heat. He may also, for a wise purpose, permit the existence of these excrescences upon the body politic. "His ways are mysterious and past finding out."

It is you who know them that are responsible for putting them forward as representative men, thereby dragging others to the level of their degradation.

No party can or ought to stand in a Republican Government, that is not based upon principle; that does not place in political power its best citizens. The institutions of our country, with all its past glory, with all its greatness, and brilliant, hopeful future, will not prove an exception.

Must it, can it be, that this Government of ours, founded by the wisdom of our fathers, sustained by their patriotism, handed down to us, their legitimate sons, a priceless legacy; shall we, who are the connecting links between the fathers of the Republic and generations yet unborn, shall we prove incompetent and behold this last experiment of self-government utterly fail and the hopes of mankind find a common grave? No, no, a thousand times no. Our institutions shall not perish. Forbid it, young men of the 19th century! Forbid it, mighty God!

"See, see, her rainbow ever new;
And the emblem we will cherish is our Flag—red, white and blue."

CALIFORNIA APPOINTMENTS.

I desire to say a few words in reference to

California appointments. On my return to Washington, I found that there was an effort being made to secure the appointment of James Coey, because of his being commander of the Army of the Republic, so-called, to the very important office of Collector of Internal Revenue for this District, in place of my old friend, the Hon. Frank Soule, and learning that Gen. Hancock had been induced to recommend him, at the instance of this Gen. Eagan before referred to, he being assured that the patronage of the office should be used to promote the success of Gen. Hancock, then a prominent candidate of the Democracy for the Presidency, I called upon Senator Cole to see if the nomination would be confirmed by the Senate. He assured me it could not, and further said the nomination could not be obtained. I assured Cole that it had been already made. He then advised me to see at once if the President would not withdraw it, as he could not be possibly confirmed under any circumstances, without his assent. I went at 11 o'clock P. M. and got a prominent Democrat, standing high in the confidence of the Administration, to call upon the President, who said Gen. Hancock had made a personal request that he should nominate Coey, and he had agreed to do so upon the condition that both the Democratic members of the Lower House would also recommend him. Mr. Axtell was induced to enter earnestly into the matter, procuring the signature of his colleague, Mr. Johnson, who did not know Coey—his nomination was made the same evening. The President being informed that Coey had been a delegate to Chicago, and further, was connected with the secret oath-bound organization opposing him, he grated his teeth with rage, having been deceived by his supposed friends, declaring that if Coey was confirmed he would not give him a commission. Nor has he done so. When the name of Coey was called up in the Senate by Conness, Mr. Cole had found reason to withdraw opposition, and voted for his confirmation, thereby sacrificing his old and true friend, Soule, a faithful public officer, a true gentleman, and a scholar, besides being an old and highly esteemed Californian.

GORHAM'S NOMINATION AS SECRETARY OF THE SENATE.

I told Mr. Cole that attempts to buy enemies by the sacrifice of old and true friends had been frequently made by men as great as himself, and they had all failed; he could not hope for a more favorable result. A few days after, knowing that Gorham was trying to secure the caucus nomination for Secretary of the Senate, I again called upon Senator Cole, who expressed his indignation at the impudence of the bare proposition, and he manfully went to work to defeat Gorham's appointment, urging that his antecedents were disgraceful and that he had disrupted the party; and it was an absolute insult to him (Cole), having been his enemy, that he should be given this position. When it was found that Cole's opposition was formidable, Cresswell, the prominent candidate withdrew. Gorham started for Cole late at night, and said to Mr. Cole that he was a young man who had been ruined in California by working for the principles of the Republican party. "My destinies are in your hands, and if you will withdraw your opposition I will, from this time out, be the best Cole man you ever saw." Do you think Cole weakened? He did. He not only indorsed, but made a strong speech in his favor. I consider it an insult to the people of California, who would not trust Gorham within eight yards of an empty wallet.

Mr. Cole, no doubt, has reasons satisfactory to himself for the course he has pursued, but as a friend of that gentlemen, I will say that the reception given him at Platt's Hall was not calculated to convey favorably the idea that his apparent sacrifice of friends was acceptable to those to whom he is indebted for whatever of greatness attaches to his name.

GORHAM'S ARRIVAL.

A few days before the arrival of this distinguished high officer of State, commissioned to file the papers of Senators, his return was announced at a club meeting by our standing Secretary, that George C. Gorham was fast "wending his way" to his home, his great heart swelling with emotion to again meet "Freedom's Defenders." Only think of it: George C. Gorham with his great heart, not satisfied to travel, but is actually "wending his way." When this great man on *one* steamboat arrived from Sacramento, the Jack-o'lanterns went after him, and lit him to a public house, when he said he stood ready to be forgiven for past offenses, and everybody that loved Grant might come and take his hand. Notwithstanding this apparent condescension, one of our leading papers, speaking for him, before his arrival, said, "That George Gorham, the Radical Napoleon of the Pacific, will yet compel the curs who barked at his heels to present themselves to receive from him the initiatory kick which a reconstruction of their sin of secession demands as punishment. The best of the seceders will yet humbly ask from him a position as supe in the political drama where he is the leading star."

The best of those who refused to support this "Napoleon of the Pacific" will be but too happy to receive from his majesty an initiatory kick in the great prospective political drama, "where George Gorham is the leading star." We shall see who first steps forward, asking the favor of this rejected aspirant for political *power*.

MEETS GEN. WALLACE.

"This Napoleon" the Fourth rushes uninvited to meet the great champion and leader of the Democratic forces in this State—the Hon. Gen. Wallace. I went over to Oakland a few evenings since in order to hear George Gorham attempt to cope with a man of distinguished ability. I know of but one parallel in unblushing audacity which comes to us from a remote antiquity, wherein it was said, "Fools rush in where angels fear to tread." I could only think of a great tomcat playing with a small-sized mouse. [Great applause] His offensive presence and assumed leadership in this State will lose the party 5,000 votes, his very name being a synonym of official plunder.

GOVERNMENT FINANCES.

Before closing, allow me to say a few words upon a subject which I regard of more practical importance to us than all others combined, now that the country is at peace.

"Peace hath her victories,
No less renowned than war."

It is to provide the means, without oppression, to carry on the Government, and provide for the payment of our national debt. Party platforms are generally mere gammon, consisting principally in glittering generalities, meaning practically nothing.

NATIONAL BANKS.

Allow me, in the first place, to correct a false impression which I find quite general upon the subject of currency. The General Government is not a banking institution; it has no banking capital; it issues on its own amount no greenbacks for circulation. This is the business of banks exclusively, called national, because they obtain their bills for circulation from the General Government, the banks first depositing, for the security of the bill-holder, with the Secretary of the Treasury ample security, generally General Government or State bonds, upon which the Secretary advances ninety per cent. in greenbacks, the banks circulating the same being responsible for their redemption. In case of failure, the law requires the Secretary to sell the securities in his hands, and redeem the circulation; thus the holders have the indorsement of the General Government for the redemption of the greenbacks in circulation.

NATIONAL DEBT.

Our ascertained indebtedness is now about $2,700,000,000. The human intellect cannot comprehend its magnitude. Allow a few illustrations founded on correct data. It will weigh in silver dollars 57,940 tons. To convey it by teams of one ton each, allowing forty feet to each team, it would extend 440 miles. In silver dollars, laying the edges together, they would reach from San Francisco to Boston and back, leaving several hundred miles to spare. To pay it would require the services of one man, counting sixty dollars per minute, working every day eight hours, 256 years. Rather an old cashier that! I now propose to show how easy this great debt can be carried, and finally paid.

This generation has borne its full share, both in treasure and in blood, sustaining our great Republic in its recent severe trial for national existence.

They have the right to be exempted from further taxation on account of the balance of the national debt. The North deserves it; the South must have time to recuperate her wasted estates. It is utterly impossible to collect where there is nothing to pay.

FUNDING DEBT.

A law of Congress should be passed at once, directing the Secretary of the Treasury to issue bonds of the United States, payable in equal amount in thirty, sixty and ninety years, bearing say five per cent. interest, to be issued at such times as our five-twenties, seven-thirties, ten-forties, and others shall mature, giving all Government creditors their option to exchange for the new issue, or receive the money obtained from the sale of the bonds, from the Treasury, as provided by the terms of the bonds themselves. To provide for the payment of the accruing interest semi-annually, an export duty should be levied on such productions of our country as are in greatest demand for foreign manufacture or consumption. Say cotton, tobacco and petroleum—the whole duty being especially set apart to pay the interest on our funded debt—thus making our foreign neighbors contribute toward paying the debt they were chiefly instrumental in creating, by giving material aid to the rebellion. This system would do full justice to public creditors. It would enable the Government to discharge the army of cormorants, who have fastened their polluted hands upon the receipts of the country, robbing the treasury to an extent unparalleled in the history of official rascality. I will give an illustration in point. The amount of the whisky reported manufactured in the United States the last fiscal year was 190,000,000 of gallons, the duty on which was $380,000,000. The revenue officers especially charged with collecting the same stole $367,000,000, and paid into the treasury thirteen millions. The assets from tobacco fared about the same fate. So powerful has this army of official knaves become that with the money stole from the people they have defied punishment, and have generally escaped unwhipped of justice.

OHIO AND PENNSYLVANIA CAN PAY.

I take the ratio of increase of taxable property of two central States, Ohio and Pennsylvania, the former agricultural, the latter agricultural and mineral. According to the census of 1860, these two States alone, for the 10 years next preceding, had increased in wealth enough to pay our entire debt and have a surplus of over $300,000,000. What is 10 years in the history of a nation? Less than the twinkling of the eye in the life time of man. What are the two States as compared to our great family of States with their inexhaustible resources?

Estimating the whole population of the United States at 36,000,000, every person, old and young, black, white and mixed, would be taxed $70 each to pay the debt, a thing utterly impossible at the present time. According to the ratio of increase of the population of the country for the 10 years last past, in 1900 the population of the United States will be about 110,000,000. The debt being funded according to my plan, that generation would be required to pay the first installment, about $7.50 each; in 1930, estimating the same ratio of increase, each person would be required to pay (second installment) $2.50; in 1960, the amount required of each person to close the balance of the entire indebtedness is lost in insignificance. The property liable to taxation in the whole country, as I have shown, is increasing in a still more rapid and astonishing ratio, all of which argues the justice and propriety of my proposition.

CURRENT EXPENSES.

According to the estimates of the Chairman of the Committee of Ways and Means of the U. S. House of Representatives, the amount required for the current year will be $352,000,000 besides interest on the public debt; in round numbers, the amount required will be $500,000,000. I am not young, nor would I have the ladies present consider me very old, yet I well remember the purest Administration the country has ever had since Washington's was broken

in own in 1828 and driven from power upon the popular cry of wastefulness and extravagance, when it expended less than $13,000,000 a year. Thirteen millions now would not buy a cold breakfast for the army of thieves that are fastening their polluted hands upon the hard earnings of an overtaxed people.

For the ordinary expenses of our Government in time of peace, sufficient revenue may ought to be derived from duties upon foreign imports without resorting to any system of taxation whatever.

FINANCE THE LIVING ISSUE.

As I have said, the great living issue of the day more important than all others, is not Reconstruction, nor is it suffrage—these things will in due time regulate themselves—it is finance. A statesman of boldness, a head and shoulders above the weak and timid men of the present day is required to grapple with and provide for the liquidation of our great national debt. The question of how it came is not now before the country; all agree that it must be paid according to the various contracts pledging the national faith.

Let us suppose the whole national debt funded as proposed, our bonds in the vaults of all the principal bankers and monied men throughout Europe as well as our own country; suppose another rebellion inaugurated, how much funds do you suppose could be obtained in foreign lands by those who were seeking to destroy a government in which they had so great a pecuniary interest in sustaining? Do you suppose arms or ships could be obtained? Certainly not. Suppose these bonds were largely in the hands of all our own people, as those already issued now are, do you suppose our people could be again forced by demagogues into another attempt to destroy their Government? Most assuredly not. This unity of interest throughout our whole country, as also the civilized world, would be a stronger bond of union and element of strength generally, than bands of steel or treaty stipulations.

Thus a public debt comes nearer being a "national blessing" than most people are willing to believe.

OPINIONS OF CANDIDATES.

While I do not propose to speak in a partisan sense this evening, I must be permitted to speak of public men as I understand them. Of Gen. Grant's military fame the country has already formed a decided opinion; as a statesman, he is as yet untried. I met him frequently while East, conversed freely with many that knew him well; all concur in awarding to him honesty of purpose and undoubted patriotism.

Of Mr. Seymour, I have to say I knew him 25 years ago, when Speaker of the Assembly of my native State. He was then regarded as a man of no ordinary genius. Since that time he has held the office of Governor of New York, and is now the nominee of his party for President of the United States. I regard Gov. Seymour and Gen. Grant as fair representatives of the principles of the two great political parties now striving for the ascendancy in this government. Whichever is elected, it will be the duty of all men to give all just measures proposed a cordial support.

DEAD ISSUES.

The issues that in times past divided political parties, have become obsolete, and in the main have passed away. We live in a different age, and are called upon to adapt ourselves to a new order of things. Whatever may have been the opinions of men as to the causes of the late terrible strife, or whatever may have been the just deserts of demagogues that plunged the nation into bloody war, the time has passed to execute vengeance.

GENERAL AMNESTY.

Let us now in good faith adopt the principles of universal amnesty for past political offenses, as the best means to heal the terrible wounds caused by civil strife, to the end that peace, fraternal relations and good will may be restored throughout all our borders, our whole people once more united in upholding the honor and glory of our common country.

UNIVERSAL GOOD WILL.

Peace being restored, our national obligations provided for, industry revived, our present family of thirty-six States soon numbering an hundred, extending from our northern ice-bound border, near the continent of Asia, to the Gulf, thence embracing Plymouth Rock, and bound together by bands of steel, and the still stronger bonds of mutual affection, each State content in the control of its own local government—all yielding a cheerful obedience to the Federal head; each section vieing with the other, patriotically sustaining our glorious old flag, all swearing upon the altar of God and their country that it shall wave proudly in the breeze, till in the language of a favorite poetic inspiration of our late friend, but now immortal Gen. Baker:

"Till wrapped in flames yon worlds piled on worlds in ether glow,
And Heaven's own trumpet shakes this earth below."

Ladies and Gentlemen, thanking you again for your presence this evening, and the patient attention you have been pleased to bestow upon the desultory remarks I have submitted, allow me to bid you good night. (Applause.)

SPEECH OF

HON. F. M. PIXLEY,

AT THE

RATIFICATION MEETING,

HELD AT

Platt's Hall, Tuesday Evening, September 13th, 1864.

Proceedings of the Ratification Meeting of the Union Party, held at Platt's Hall, Sept. 13, 1864.

At 8 o'clock, Mr. A. J. Bryant, Chairman of the Union State Central Committee, called the meeting to order, and briefly stated:

That four months ago we met at this place for the purpose of ratifying the nomination of Lincoln and Johnson, for President and Vice President of the United States. We meet to-night for the purpose of ratifying the nomination of Presidential Electors and Congressional nominee of the Union party. Mr. Westmoreland, the Secretary of the Union State Central Committee, will read the names of the officers of this meeting, and I hope they will meet your hearty approval. Mr. Westmoreland presented the names of the officers, which were approved:

For President—NATHANIEL HOLLAND, ESQ.

For Vice Presidents—W. C. Ralston, C. J. Dempster, Jno. Reynolds, A. R. Baldwin, John Sime, S. H. Parker, J. P. Dyer, Dr. H. Gibbons, H. P. Coon, C. O. Turner, Dr. I. Rowell, H. De la Montanya, H. S. Brown, M. D. Boruck, J. M. Verdenal, E. W. Taylor, John H. Redington, W. Sherman, J. W. Dwinelle, J. W. Brummagin, O. P. Sutton, A. Seligman, H. M. Newhall, M. Maybloom, George L. Bradley, C. W. Hayden, W. G. Badger, J. B. Thomas, George F. Bragg, M. J. Burke, H. L. Davis, O. F. Willey, O. B. Creary, Dr. S. B. Harris, James Whitney, jr., D. B. Henry, A. H. Titcomb, Moses Ellis, Ben. A. Patton, R. M. Jessup, O. Dickinson, jr., R. Chenery, John Stratman, A. S. Tilton, L. Leland. Capt. S. J. Ashley, P. W. Shepheard, A. G. Abel, W. R. Newton, J. O'Brien, Charles R. Story, E. H. Washburn, P. Sather, J. B. Manchester, Jacob Deeth, Henry Baker, James Laidley, J. F. Swift.

For Secretaries—W. Bausman, F. Soule, J. W. Van Zandt, E. B. Cutler, W. Huefner, B. P. Avery, J. S. Hittell,

MR. HOLLAND.—Ladies and gentlemen: It is a great privilege, and I deem it a very high honor to preside over so glorious a meeting of loyal citizens, who have assembled to join hearts and hands in the preservation of our country, and I thank you for this mark of consideration.

We are here to night, fellow citizens, to rally around the old flag—the emblem of our nationality. We are here to give our adhesion and support to the nominations of the Union party upon the principles embraced in the platform of the Union National Convention. We are here to reject all the treason; all the sympathy with traitors; all the hypocrisy and infamy against God, our country, and humanity, which culminated at Chicago in the nomination of George B. McClellan for the Presidency. And, with the will of God, we will reject these things, and elect Lincoln and Johnson. And as sure as the sun shall rise on the eighth of November its going down will witness the going down of McClellan and his traitorous host with a load of infamy more lasting than the granite hills of your State. McClellan, from the very outbreak of the war, has been a traitor to the country, and has been acting the part of a demagogue to serve his own ambitious purposes. His West Point speech was a part of a deep laid scheme to seduce from their allegiance those whose faith in the permanence of the Union wavered or was undecided. Its war sentiments were well understood by the leaders of that party, as a decoy to lure the unthinking. McClellan's nomination was secured by means more infamous than ever before known in the history of the country. The first men who rushed to his standard were the friends of Jeff. Davis and his confederacy. But the champions of this fight are here like war horses straining for the start. I will delay you no longer than to present to you your fellow citizen, whom you all do know, the hero of many hair-breadth escapes and of hard-fought battles for the Union, Hon. F. M. Pixley.

SPEECH OF F. M. PIXLEY, ESQ.

Ladies and Gentlemen: Unaccustomed as I am to public speaking, (laughter,) and being quite unexpectedly called upon to address this meeting, lest my modesty should make me nervous, I have, for the first time in my life, prepared a written argument to submit to your intelligent judgment, to show the reason why I intend to vote against McClellan, and why I intend to support Mr. Lincoln, the present incumbent, for re-election for the Presidency. (Cheers.)

[At this moment the Fourth District Union Club marching into the doors of the hall, headed by drums and fifes, caused some confusion. This having subsided, Mr. Pixley proceeded.]

Stories have been put in circulation to the effect that I have gone over to the copperheads. My friend, Joe Moore, of Stockton, telegraphed to me but a few moments ago, informing me that the *Beacon* and other parties had been active in spreading this report—which, I think, the remarks I have prepared will not have a very great tendency to prove correct.

I had determined to take no part in this political contest. I had thought to leave the burden of its labor upon those men who have assumed the leadership of the Union party in this State. When I reflected upon the treatment which the "old guard" of Republicans had received at the hands of our nearer allies, I thought we might repose through one campaign, and leave the "one hundred day men" to fight the final victory of the contest. I felt the more justified because I thought the re-election of Mr. Lincoln beyond the possibility of danger, and that California would give her electoral vote to that President which, for four years of danger and conflict has, to the best of his ability, maintained the inviolability of the Union. I had not deemed it possible that there could have been formed such a combination of political elements as would have brought together, under one common standard and a common leader, the War Democracy, the skulking peace cowards, the ungrateful alien, and the hissing serpent of avowed secession. Natural history teaches that the prairie dog and the rattlesnake may burrow in holes together; in our State the active squirrel and the moping owl. Barnum has illustrated, in his "Happy Family," how the honest dog, the treacherous cat, the subtle fox, and the cunning monkey may live in harmony; and the present attitude of the Democratic party has given us another lesson how discordant political elements, divergent principles, and contending party leaders may unite to grasp the loot and plunder of office.

This combination is not without danger to the country, and it is the duty of every loyal man to look it full in the face. So thinking, I dare not permit any sentiment of wounded vanity, or any consideration of unjust party treatment, to deter me from becoming a volunteer in the last final contest for the preservation of our National Union. I believe this is the last grand struggle for the existence of Constitutional liberty. I believe, upon the issue of this election hangs the destiny and the hope of freedom. Upon this conflict depends the fate of four millions of enslaved Africans; the future of thirty millions of the Saxon, free, white race; the hereafter of the American Republic. I have heard, within the past few days, the whispered scandal of my defection from the Union party; that I had joined the "happy family" of the Democratic Museum, and, like Barnum's learned sea-calf, was to help grind the Democratic organ. Now, if there is any one thing in which I have ever been consistent, it has been my hatred of and opposition to the Democratic party, and if I am constrained to sometimes admit the possession of a sore head, it is at least a good healthy wound, does not become chronic, is never poisoned with the gangrene of copper, and generally cures itself by suppuration from the tongue; or, as my "short haired" friends would say, "by shooting my mouth off."

It would seem very strange to you, my old Republican friends, as it would be very awkward for me, to stand up in *this* hall and repudiate the lessons of our earlier struggles. Here, in this place, consecrated by our past associations, it would be hard to forget the memories that cluster around the olden time. This is the Faneuil Hall of the Republican faith in this State. Here, in the infancy of our party, a little Spartan band of heroic and unselfish men, under a party code as pure as that of Lycurgus, under leaders as brave as Leonidas, fought battles as important to the human race as those of Thermopylæ, Salamis and Platea. From this hall there went forth throughout the State golden words and burning thoughts that had dropped from the lips of inspired eloquence. Here, that grandest orator that ever spoke upon the Pacific shore, the noble Tracy, thundered forth his glorious rhetoric; here, the eloquent Baker poured forth, in poetry and beauty of diction, words and thoughts that never failed him when he spoke of liberty and the rights of man; here, the eccentric and enthusiastic Captain Frank Folger inspired us with his ardent zeal; here, the gentle, kind, old Gilbert Grant, whom we all loved, presided over and smiled upon our councils; here, the impetuous, zealous Matheson worked and toiled; here, as our ranks became thin, there came a new and inspired ally, making the fire upon the old altar blaze with a newer and brighter luster—less the priest and more the man, glowing in the magic halo of earnest, honest zeal, educating the people in their highest and holiest duties of citizenship—stood the Rev. Starr King. They have all gone from among us. Two of them died as brave men love to die—upon the battle field. The gallant Colonel Baker, with bared brow, and his gray locks streaming in the wind, leading his brigade against overwhelming numbers, fell where the fight was thickest and the tide of battle ran reddest with gallant blood. The brave Matheson fell at Grampton Gap, at the head of his regiment, just as success had crowned his daring charge. Here, in this Hall, stood the catafalque that bore the bodies of these brave heroes; and here we gathered sorrowing around them, and for the last time looked upon their faces ere the earth closed over them. It is not here, in the presence of such memories, that I would care to forget and become recreant to the professions of my early Republican faith.

If we would exercise our elective privilege with advantage to the country, we must do it after careful deliberation. The opportunity of voice in the choice of a President is only presented us once in four years. That time is now, and now we are to determine the policy of our Government for the ensuing four years. The question is a practical one, for it is WAR or PEACE. It is UNION or DISUNION. It is Union, with slavery (the cause of rebellion) annihilated and destroyed, or it is Union with slavery preserved with new guarantees for its protection. It is peace—firm, permanent, enduring peace; or it is peace, hollow, temporary and uncertain. It is one government for the American people, with identity of interest and all cause of war, heart-burning and jealousy removed; or it is a government with a diverse civilization, an "imperia en imperium" with different interests. It is slavery to the black race, with the attendant arrogance, insolence and dictatorship of their white owners; or it is freedom to the African and political enfranchisement to the Saxon.

To vote for Mr. Lincoln means to push the war

steadily and promptly to its triumphant conclusion, and, as its fruits, reap the harvest of an hundred years of peace. To vote for Mr. McClellan means a hollow truce—a recognition of States' rights—the return of slave States with slavery—the assumption of the part or whole of the Southern debt—political dissensions and intestine strife for the next century of time. The election of Mr. Lincoln means the vindication of our national honor—the punishment of the great crime of rebellion—the recognition of the principle of universal liberty as the leading idea of the world's great Republic. The election of McClellan means national disgrace—the pardon of the first sin of treason as an inducement to similar crimes in the future, while the brand of slavery is to be burned in upon us with the ineffaceable stamp of fire and blood.

Slavery is the cause of all our National troubles, and slavery must die. Not regarding the relation of master and slave from the stand-point of natural justice; not thinking upon it as involving questions of humanity or considerations of right, but only contemplating it with reference to its influence upon our country, and involving economical questions of Government policy; nevertheless, it must die. It has proved the bane of our National existence. We look back over our nation's history, and it is the rock upon which we have split; the coral reef upon which our ship has run, but not foundered. It has grown as our nation has grown, and our National progress has been rapid and magnificent. From how small a beginning how grand a result! Three millions of people scattered along the wilderness shore of the Atlantic, had grown to be thirty millions, stretching their Briarian arms across the continent. Our nation's wealth told in swelling numbers—sixteen billions of dollars. Our farms became the granaries of the world; gaunt-eyed famine fled before the smiling genius of our harvest fields.

In manufactures, arts and science, we challenged the rivalry of the ancient world. Our ships plowed every wave, dared the storms and danced in the sunlight of every sea; our commerce ranked first among the nations. Our Government hovered over us light as a Summer's cloud, not even obscuring the sun of our happy progress, but charged with thunder-bolts for our protection. It sat so light upon us we scarce felt the presence of its existence. We had already become the first power of the world. We were beginning to indulge a just pride in the fact that we were American citizens. But there was a skeleton sitting at our domestic hearth-stone; there was a black fiend crouching by our altars, among our penates and household gods. There was a cancer eating at the heart of our nation, feeding upon the very vitals of the Republic. In antagonism to the whole genius of our institutions, in opposition to the whole theory of our Government, in mockery of all our pretensions of freedom, we held in bondage 4,000,000 of human beings, with the same God guaranteed rights of freedom as ourselves; prisoners of war—held to servitude for no crime; men and women inheriting and transmitting bondage from mother to child; a slavery that outraged and violated every principle of humanity; that ignored every sentiment of justice; respected neither age nor sex; held the bodies and the souls of its victims in the iron grasp of its inexorrble decrees.

Upon this serfdom was based an aristocracy, an arrogant, insolent, dictatorial power, few in numbers, but strong in the brute force of its ownership in man. Numbering less than 400,000 slave proprietors, this aristocracy overawed the 6,000,000 of whites living beneath its shadow, and sought by unyielding and constant assumption of power, to rule the Government, direct its legislation and diplomacy in the interest of the peculiar institution.

The outlying territories of our national domain, needed as the home of free labor for our working millions, was claimed as a joint heritage of slavery. It was the lust of barbarism for conquest. Slavery had ruled our nation for half a century; its counsels had prevailed at our seat of Government; its adherents and advocates filled our offices of civil trust, executive, legislative and judicial; its influence went abroad in diplomatic circles; the South was prosperous beyond precedent; its cotton fields were placers of gold, their owners lords, their produoe king, and yet the exacting fiend was not content.

Then came an election for President of the United States. It was held in accordance with our Constitution and laws, a peaceful expression of the public will accorded to Abraham Lincoln of Illinois, the chief magistracy of the nation.

And, now, mark the history of events. While Buchanan, a servant of slavery, was President, before Mr. Lincoln had assumed the reins of power, before he had foreshadowed a political intention, when the principle of the party which elected him was "*non-interference with the institution of slavery in States where it existed by law;*" while the Senate of the United States, and the Supreme Court, was in majority for slave interests; before the consummation of any act against slavery, or the emancipation of any menance to its hurt, this rebellion sprung into existence under the boast of its leaders, that it was the growth of twenty years of preparation; an organized conspiracy in the interest of slavery fired upon the grand old flag of the Union, and from its shattered staff of Sumpter came torn and bleeding the emblem of our country's pride. Was it a wonder that the nation's heart was fired; that an united North sprang to arms to avenge this insult to the flag; that all the freemen of the commonwealth felt the wound and maddened under its sting? Could the Government do less than accept this gauntlet as the gauge of battle, and marshal its hosts to the conflict—this conflict upon which is staked Republican liberty throughout the world? It has done so, and the destiny of America awaits the issue, not in doubt or trembling, but in confidence of the God of battles, in reliance upon the justice of the cause and the strength of the nation's arm.

Republican liberty throughout the world stakes its hope upon the issue. The oppressed of other nations gaze with anxious wishings for our success; if we fail, their hopes sink in the darkness of a long and dreary night. Tyranny watches us bold-eyed and expectant of our defeat. It sees the eagle

fighting with the kite, and exhausts its sympathy for the carrion bird.

For four years this slave rebellion has drenched our soil in blood. For four years it has maintained its hostile attitude in arms. It has cost us an hundred thousand of our sons, killed upon the battle field; an hundred thousand more maimed for life. It has cost us the derangement of our business affairs; it has created for us 1,700,000,000 of dollars of national debt; it has destroyed and driven from the seas our magnificent and flourishing commerce, and still it maintains its defiant attitude. It has cost us the prestige of our political power upon this continent, and put a sister Republic under the military control of an imperial protege of France. So deadly is its hate to the people of the North, so resolute in its determination, that it has even offered to the Governments of Europe the emancipation of slaves for aid to dismember and destroy the American Union. Slavery, the darling object of its love, the very corner stone of its foundation, will be offered as a sacrifice to Europe, in return for national recognition. The South has even agreed to the shame of a foreign dependency, the humiliation of an European protectorate, rather than return again to the American Union; and yet we have at the North a great and powerful party who say "THE UNION IS THE ONLY CONSIDERATION;" *that an amnesty should be offered to these traitors in arms,* with a view to ascertain if by concession and compromise these rebellious citizens may not be induced to lay down their arms and return to their allegiance; that a convention of States should be called to adjust this dispute and restore peace to our distracted land. *They are to be invited back under the assurance that all their former privileges shall be yielded to them, and they shall have recognized the doctrine of State Rights, and that* SLAVERY SHALL HAVE NEW GUARANTEES FOR ITS PROTECTION.

State rights, again! the very heresy that has been made to justify the rebellion; Slavery, the very evil that has caused the war—both to be engrafted upon and made a part of our organic government! Better that the South should conquer the North; better that the Confederate States government become the authority upon the American continent; better that Slavery have national recognition. Such an issue to this conflict would be worse than national annihilation. It would be a complete victory of the South over the North. It is all they ask—all they have claimed—all they have fought for. Treason would put on the bays of victory, and loyalty might cover itself with the ashes of humiliation. Such cannot be the issue of this struggle, so long as honor lives—so long as there is a spark of pride in our national character. State Rights is a heresy, in which the ashes of treason and the fire of rebellion have smouldered since the time of Calhoun. This war must never end, and no State be ever admitted to join the sisterhood of a regenerated Union, till the doctrine is entirely and thoroughly repudiated.

Southern States enjoyed slavery under the protection of their State Constitutions, and by the supposed sanction of the Federal Constitution, until the people of those States seceded from the Union. When, by their free and voluntary act, they withdrew from the Confederacy, *they forfeited for the institution of slavery all the rights it ever had under the law.* They themselves abrogated the law, and can no longer invoke its protection. Shall South Carolina say to the Government, after its mad attempt to destroy that Government, we now come back and demand our rights? Demand rights under the law, which law they have themselves set aside and despised? After risking their slave institution upon the hazard of war, and failed, is there left to them the election of returning with all their rights unimpaired? The idea is absurd, and cannot for one moment be entertained. South Carolina staked her sovereignty, under the Constitution, upon the arbitrament of battle. She has failed in the contest, and by her failure loses her sovereignty and all the rights which pertain to it. Slavery is one of those incidents, and slavery dies. The territory of South Carolina belongs to the General Government after this war. The rebels in South Carolina are at best but aliens, and the State may be treated as a Province, for which Congress has the right to make laws, appoint officers, and may enforce those laws and uphold the authority of her officers by the strong arm of its military power.

The South and Southern politician understand this, and ask for no other right than they can win in arms. *The South has not asked for an armistice, nor does she want it. The South has asked for no Convention of States, nor does she desire it. The South has sought for no peace, nor would she accept it. She has said, if the North would give her blank paper upon which to write her terms, she would accept nothing short of independence.*

From whence, then comes this clamor for peace? Who has a right to demand a cessation of hostilities on behalf of the South? Who presumes to say to the Government—pause in the vindication of the law, arrest the progress of your victorious armies, call away your triumphant blockading fleets, lay down your arms till fainting treason shall renew its breath, till this staggering athlete shall recover its wind for a new grapple and a firmer grasp at the national throat. This cry is rank, undisguised treason. It comes only from coward throats, who fear the draft; from misguided, ignorant men, who have not the sagacity to see that they are being led by demagogues and traitors; from men whose love of party is superior to their love of country; men whose infatuation for Democracy would peril the very existence of the country, rather than lose the control of its civil affairs.

How many crimes have been perpetrated in thy name, O, Democracy! and how has that great party fallen from its high estate! There was a time when the Democracy rejoiced in the cognomen of the War party. There was a Democrat once who, when treason raised its head in South Carolina, swore "by the Eternal" he would annihilate the foul heresy and hang its pestilent author. There was a later Democracy, under the leadership of the gallant Douglas, who, only four years ago, divided the Democratic party rather than submit to the arrogant exactions of slavery. When the war was begun, laying aside personal feeling and party rancor, he allied himself to the Admin-

istration, and counseled the very war in which we are now engaged. Had he been alive to-day, he would have been the friend of the Government, an ally of Mr. Lincoln, or the candidate for the Presidency of an united North. He is dead, and the nation mourns his loss; but where are his party friends? How many of them in this State have forgotten his patriotic example and gone astray from his teachings? Where do they stand in party alliance to-day? Cheek-by-jowl with the chivalry Democracy, on the same platform, fighting under the same party banner, with the same party chieftain. Douglas died supporting the Government; Breckinridge lives and leads a brigade in arms against its authority; and here in California the followers of the two party leaders stand side by side in common cause and common sympathy, to break up and destroy the Government of the United States.

What becomes of the Southern debt, its thousands of millions of liability in this proposed adjustment? Will the South come back and aid to pay our debt, unless we reciprocate by paying theirs? What of the foreign loans in England and France—their cotton bonds? If sovereign States have a right to secede and set up an empire for themselves, and create what they call national obligations, can they lay off their sovereignity at pleasure, repudiate their debt, and return under the protection of our Government? European nations enforce the collection of debts by war. Shall England and France send their fleets and armies to enforce payment of their dues from the South, and our Government stand by, and say, "We have no part in the contest; State's rights must pay State debts," or shall the Government fight England and France in the war of repudiation, or shall the Government pay the Southern debt? If the South had a right to secede, had a right to make war against the Government, then hers is a just war, and her debt a just obligation for us to pay. If she had no right to secede, and her war is an unholy rebellion against just authority, then we have a right to whip her back, and make her pay the cost of her subjection.

Before the war the negro property was estimated to be worth $2,000,000,000—that is just about, in round numbers, what the war has cost, so we will give freedom to the slave and call it even. Let England and France whistle for their pay as their penalty for encouraging our citizens in their revolt. The financial result of compromise with rebellion is national repudiation. When this war is ended, national honor demands reparation from Great Britain.

England, first of the nations of traffickers, sold us the slaves, stamped the cruel curse upon our colonial existence, gave us this heritage of clanking chains, made money from its sweat and blood; the music of her busy looms kept time to the driver's lash, and true to her grumbling propensities, while slavery lived, roared out her moral indignation and hid her own crime in the dust of her pawings; but as slavery dies, the bellowing monster sings another tune, roars like a suckling dove, sits chief mourner by the dying fiend, builds rams for a Southern fleet, sends forth pirates to prey upon our commerce and burn our shipping upon the high seas, runs our blockades with arms and ammunition, negotiates a cotton loan, and in exchange for cotton brings commodities contraband of war.

Let England look to herself; let her remember the conflict of the *Kearsarge* and *Alabama*, and fear, lest in a contest with the great Republic she sinks among the nations of the earth, flying at her peak the white flag of surrender.

France, too, forgetting her professions of Republican liberty, having at home inaugurated an empire, baptized in the blood of its own citizens, murdered in the streets of Paris; content under the prosperous sway of a monarch whose career has been marked by the appellations of Imbecile, Conspirator and King, taking advantage of our time of danger, plants a throne upon the soil of a sister Republic, sends an Emperor to Mexico and dictates to another nation a dynasty not of their choosing. Let France remember there is a day of reckoning; that the arm of America is only busy now, not palsied; that time at last makes all things even; for although the great Republic is in the struggle of a gigantic war, she will come out of it like a young giant refreshed with new wine, and then we will discuss the Monroe doctrine with the imperial mendicant of the house of Hapsburg, in spite of threatening fleets, French Zouaves and the turband Turcos of Algeria.

But let us not exhaust our indignation upon those nations of Europe, who, governed by their own ideas of policy, and their own judgment of right and wrong, are in sympathy with a slave aristocracy in its wicked effort to subvert a free government, but rather turn our attention to those pestilent Northern traitors in our midst—those hissing serpents of a Peace Democracy, who, crawling among the people in the silence of their slimy path, dare to whisper the treason of a Union restored with slavery. Better a country divided! better that civil war drench every foot of northern soil! better that the genius of desolation once more stalk through the land, and our continent be restored to the solitude of its primal wilderness, that in some later time some other people may try the successful experiment of Republican Government.

There is one more class whom we must notice. What language can measure the indignation we have a right to feel toward those foreigners who, having fled from persecution and poverty in their own land, have found home, protection, prosperity and plenty in this land of ours; who from serfdom and tenantry in their own country have been raised to the dignity of citizens here; who having had their equal voice in the administration of our national affairs, are willing to dismember and destroy the Government. If there is not for these alien sympathizers with slavery the future torments of a material hell, then there is something defective in the providence of God. Ingratitude is the basest of crimes, and treason to such a Government as this is the basest of ingratitude.

I know of no sufficient reason why those who voted for Lincoln once should not do so again. I know of no reason why those who once voted for Douglas should not now sustain the Administration.

Let us arraign the President and his Cabinet

before the bar of public opinion, examine their acts, consider their motives, and in the spirit of honesty and fairness, determine whether they are to be trusted with further power. When this Administration assumed the authority of government, it found a great war inaugurated; States had seceded; military commanders had proved traitors; the National arsenals had been plundered; the navy scattered; the treasury exhausted; the Capital was filled with treason; spies lurked in public position; the nation was unused to war; the Government misapprehended the extent and strength of the rebellion; it hoped for and believed in an Union sentiment at the South, which experience has demonstrated did not exist; a navy, army and treasury was to be created; a nation unused to war could not at first accept the idea of a great army and a great national debt.

The enemy, nerved with enthusiasm, brought the entire strength of its population, resources and gallantry to the opening of the contest, and seemed for a time to threaten our national existence. Then Mr. Lincoln, discarding and ignoring all party feeling in his higher regard for the country, called to his councils and the field the first men of the nation. The loyal Douglas became his friend; General Dix, of New York, was honored with his confidence; Andy Johnson was taken into consultation; Holt, of Kentucky, became Judge Advocate General; General McClellan, a Democrat, was given the command of the army, tried, and found wanting, and the final military authority devolved upon General Grant, another Democrat, who has been tried and not found wanting. Sherman and Hooker and Hancock and Rosecrans, all opposed in party politics to the President, were invested with the highest military authority. General Halleck, a Democrat, took the chief direction of the war bureau; Stanton and Wells were invited to the Cabinet, and took to their care the departments of the army and navy; Butler, the foremost Democrat of New England, was made Governor of Louisiana and a Major-General in the army; the posts of honor and the gifts of office were indiscriminately conferred upon the leading men of either party, and all the nation felt that the Chief Magistrate had done a noble thing in forgetting his party prejudice in the presence of national danger. The Government rose to the occasion and grappled with the rebellion as with an enemy worthy of all its exertion.

Mr. Lincoln only followed the people. Slowly but calmly he came up to the surface of events, betraying neither passion nor impulse. Sometimes we thought him slow, but when, in the ripeness of time, he declared a great principle, he adhered to it with a firmness and resolution which challenged our admiration. Caution controlled the first year of war; it was a year of preparation. Over-tenderness to the slave-power, begotten of a lingering hope of adjustment, characterized the second summer campaign. During the third year of the rebellion war was made in all the earnestness of a nation's strength. The fourth year finds the slaveholder's revolt staggering beneath his irresistible power. At first the President hoped for reconciliation and peace. He did not interfere with Slavery till the Nation demanded he should smite the monster—till it became fully apparent that Slavery and the Union could not both survive. *One must fall.* The question had to be met —SHALL SLAVERY LIVE AND THE UNION DIE? OR SHALL THE UNION BE PRESERVED AND SLAVERY PERISH? The Proclamation of Emancipation determined for Freedom and the Union. It was uttered; the Nation has indorsed the declaration of independence and emancipation to the slave. Every truly loyal heart beats responsive to its manly pronunciation.

Traitors and demagogues may shout the cry of Union as a cheat and a snare. It is but the clamorous utterance of a lie, when they talk about the necessity of saving the Union at all hazards. The Union is the first consideration; but as union cannot exist with slavery, then, in order to secure a permanent and lasting union of States, slavery must give way. The rebellion must be conquered. The South must be subjugated. Rebel property may and ought to be confiscated to pay the national debt. Slavery must be utterly and unconditionally annihilated. Then, and not till then, our Government stands upon the basis of a lasting, permanent and enduring peace.

Mr. Lincoln has been charged with the improper suspension of the writ of *habeas corpus*. Ignorance makes the charge, because Art. first, Sec. 9, of the Constitution of the United States provides: "The "privilege of the writ of *habeas corpus* shall not be "suspended, *unless* when in case of rebellion or "invasion, the public safety may require it." I suppose the Peace Democracy would have prisoners, taken in arms against the nation, discharged by some country Judge, sitting at Fairfax Court House; some murdering guerrilla who lies in ambush to assassinate loyal men.

Peace Democracy pronounces the Confiscation Act "illegal"—"rebel property should be held sacred"—"we must carry on the war upon constitutional principles"—"Negroes must be remanded to their traitor masters"—"Federal soldiers, as under McClellan, must stand as scare-crows for the protection of rebel cornfields, and loyal men stand broiling under a summer sun to guard Virginia mansions that give shelter to rebel women and spies." The Emancipation Proclamation, says the Peace Democracy, is "unconstitutional," and is "intended to alienate the feelings of our Southern brethern." "Lincoln had no right to proclaim the freedom of the slave," and yet every working slave was the equivalent of a soldier on the battle-field. In my opinion, the President, as commander-in-chief of the army, had the right to free slaves, as a war measure, and when he did it struck the death-blow to the institution of slavery, and thus saved from destruction and dismemberment the American Union.

There are only two parties, and between them there is but one issue. Parties have fused; the Northern Copperhead has crawled into the hole of the Southern prairie-dog. The issue is, slavery first and the Union afterward; or, Union first and slavery nevermore.

With slavery, permanent peace is impossible. It has been found to be incompatible with National existence. It has been for the last half century

gradually and silently, but surely encroaching, until it now demands National recognition. For its expansion, we bought and conquered territory; for its protection, we have passed the Missouri compromise; at their bidding we repealed it. We have passed the fugitive slave law, and become negro-catchers at their order. In its interests we have given the South the Presidents, the Supreme Court, and the legislation of the country. Resistance to its arrogant exactions and demands did not begin till, in the interests of slavery, the South inaugurated civil war, and took up arms for its extension. National honor and National existence demands its utter extirpation. If we reconstruct now with slavery, then slave policy triumphs, and America becomes an empire of slaves. If we now annihilate slavery; if we cut the cancer from the body politic, the United States will stand before the world a permanent and established Government of freemen, commanding respect, and in a position of power and dignity among the nations of the earth.

Peace Democrats complain of the abridged liberty of speech, and the freedom of the press. I know of no person incarcerated other than a traitor, and the proper penalty of treason is death. I know of no journal suppressed that did not breathe defiance to the Government and aid to the rebellion. Would Peace Democracy prefer Southern States' rights doctrine upon these subjects. It is tar, feathers, hemp and fire. Our Government has even spared from death spies, pirates and guerrilla bandits; in my opinion, it is mistaken clemency, and if I have any complaint against our President and military authorities, it is because they have not exacted the full penalty due to crime.

I believe the Administration is doing the best it can to suppress the rebellion. I believe the President is an honest, zealous, sincere patriot. I believe our commanders in the field and on the ocean, are putting forth their best and bravest efforts to suppress and destroy this damnable revolt. I believe our soldiers in the trenches, and our sailors on their decks, are doing all that human valor can do to save the Union and redeem the land to the jurisdiction of the flag. And while we, in California, are not called upon to peril our lives on the battle-field in defense of the country, we should do our duty at the ballot-box in supporting the Government.

Should we at the North become weary of the war and fall back faint hearted, from the duty of our country's salvation? Should we, victors in the conflict now, humiliate our country by offering an unasked and dishonorable peace? Mark me, my fellow-citizens, the South has not demanded peace; it has not asked for amnesty; it does not seek a return to the Union. This war sprang into existence four years ago, full grown and full armed. The serpent's egg had hatched the monster treason, after twenty years of incubation. Not 10,000 stand of arms in all the Northern arsenals; not a ship of our Navy ready to do battle for our Government; our forts seized; our mints plundered. Treason sat liver-hearted, trembling at our National Capital. All at once, after half a century of peace, nine millions of people spring to arms to destroy the Government. Now mark our progress: after less than four years of conflict, Missouri, cleared of the rebellion, passes an emancipation law, and with her broad territory, an inviting home for free labor, sets forth upon the highway of freedom. The war cloud passes from over the dark and bloody ground, and Kentucky, by the baptism of blood, emerges from the darkness of Slavery to adorn the galaxy of free and loyal States.

Tennessee takes her proud position in the sisterhood of Freedom, thanks to the gallantry of her brave mountain men—thanks to Andy Johnson, the Andrew Jackson of the age; not forgetting brave old Parson Brownlow, who fights and prints and prays for his country's flag. Mississippi and Arkansas acknowledge the supremacy of the law. New Orleans sits a queen at the gates of the sea, a loyal city. The stars and stripes float from the red walking stick of Louisiana. The Father of Waters, a free river, floats a free commerce, through a free soil from the free North, to a free ocean. Farragut, our sailor hero, thunders by the forts of Mobile, and dams the waters of the Alabama, Tombigbee and Black Warrior, from munitions of war contraband to freedom. Sherman, with his gallant army, occupies Atlanta, the heart of Georgia, and with his four-inch shells has made it pulsate with the evangel of universal liberty. A new State is carved out of the Old Dominion, consecrated to freedom and the rights of man. Maryland and Delaware take their position in the rank of free States. Grant, with his invincible army, thunders at the gates of the rebel Capital, and Petersburg smoulders beneath the Federal fire. Charleston perishes beneath the Swamp Angel's avenging breath, while the gallant Sheridan sweeps the valley of the Shenandoah at the head of a victorious army.

Had the South reaped such advantages; had the North been so shorn of its dominion, conscripting the last man, to eat its last crust, "robbing the cradle and the grave," to fight its last campaign, think you there would be at the South a political party, hissing from its faint and cowardly heart the idea of dishonorable peace and base surrender? Oh! I have no patience with the base blooded Northern hound who would fling himself in abject servitude before the trembling monster of Slavery, or who would counsel conciliation to this tottering Moloch of crime.

Let us not offer unmasked submission; let us not fling our country, our pride, our noble heritage of freedom, under the Juggernaut of this barbarism of slavery. Let us rather stand by the Government and fight on to the bloody but glorious end. If there is a just God, then right and freedom will triumph.

The grand old flag of the Union which came torn and bleeding from Sumter's shattered staff, will float over every rod of our nation's soil, the emblem of our country's pride and people's liberty. That proud old banner of the Revolution—the pillar of fire by night, the cloud by day, that led our gallant ancestry through the red sea of battle to the promised land of universal liberty; the flag that led our armies on the battle-fields of land and ocean; that was never lowered before the red

banner of England; that never humbled itself to the lilies of France; that has been planted upon the capital of the Aztec, above the serpent and eagle of Mexico; that guarded our commerce on every sea; that kisses the sunlight from Bunker Hill, waves from the dome of our nation's capital, and mingles its red, white and blue in the green foliage over the grave of Washington. The dear old flag we love can never humble itself, or give place to the hateful mockery of the Stars and Bars, that new device of slavery.

Mr. Pixley was frequently enthusiastically applauded during the delivery of his speech, and at its conclusion the noise and cheering became deafening. The Chairman then informed the meeting that he had great pleasure in introducing to them the standard-bearer of the Union party of the State, His Excellency Governor Low of California. [Cheers.]

THE DUTIES OF THE CITIZEN.

An Oration delivered by

HON. L. E. PRATT,

AT GRASS VALLEY, CALIFORNIA,

July 4th, 1864.

Since my engagement, fellow citizens, to be with you on this occasion, the press has been engaged to some extent in ventilating my political views, as if a citizen of this Republic could so far forget his duty and his manhood as to make this sacred anniversary the occasion of partisan profit. And because these things have been done, it is perhaps not improper for me to say in the beginning, that those of you, if any, who have come to listen to a political speech, will return grievously disappointed. I shall indeed discuss, to some extent, the public difficulties in which we are now involved; for I conceive it practically impossible to perform my task properly without it.—But I shall endeavor to do this without touching questions purely political, and, I trust, in a spirit of frankness and honest inquiry alone: for I ought not and cannot forget that, amid the wreck and ruin of national hopes and prospects, one institution remains on which the vile hand of intolerance has not yet dared lay itself. July Fourth is still a national holiday. It belongs to the whole American people, and to no party, class or faction. In it, every citizen, whatever may be his views of existing troubles, still retains a pride and interest; and I should be unworthy of the trust you have reposed in me, I should reproach myself in after years, did I here assume the attitude of the partisan, or permit one word to fall from my lips which might disturb the harmony of this assemblage. Still, I must speak the truth without fear or partiality, for he who to day, while a nation trembles in the agonies of threatened dissolution, would stand before an audience of his fellow men, misleading while they seek his counsel, denying the truths of history, or ignoring passing events or their significance, would merit the maledictions of every earnest lover of his country. Private prejudices and opinions I have, deep and bitter in their character, and on other occasions I should not hesitate to declare them; but for today the partisan must be sunk in the citizen, the individual in the speaker. I must stand before you as a neutral power—a cold, impartial judge. I shall speak to you as a stranger might were he suddenly transplanted from some other world to this, and, without intercourse with any of your people, called upon to discuss your difficulties. I shall condemn the evil and approve the good, whoever be its authors and from whatever source it springs, and they who can bear to hear their vices censured while their virtues are commended, shall have no occasion to murmur if they but hear me to the end.

For eight-and-eighty years, fellow citizens, your people have been accustomed thus to commingle together on this anniversary, to renew and invigorate their patriotism, and like they of old to pledge their all in life to the maintenance of Constitutional Liberty. Through eighty-five years of that time the periodical task imposed upon your orators, had been to them a pleasure rather than a burden.—They had delighted to dwell upon the noble deeds of noble men, and never wearied in eulogizing the Fathers of the Republic. They looked around upon the then present, and beheld the millions of their fellow men, united, harmonious and content, in the enjoyment of a degree of happiness and prosperity, which man had nowhere else achieved. They looked back upon the past. It was brief in years, but oh, how rich in historic incident and lore. How replete with all the elements of national grandeur, glory and integrity. They looked forward and sought to pierce that veil which hides the future; but saw there only visions of still higher beatitude. The happiness of all who dwelt within the shadow of the

great Temple of Liberty, seemed commensurate with the toils and sufferings of those who reared the edifice! But now, oh God! how changed! War, more cruel and devastating than any the page of history unfolds to view—war, more terrible and disastrous than any that mere imagination can depict, has stalked for three years through the land, and still swallows up each day its thousand victims. Back and forth over the Border States, and over the garden spots of your broad empire surge a million of armed men, destroying and consuming in their progress, by fire and by sword, all that delights the eye or contributes to the happiness of man; while the substance, the capital, and the industry of the whole land are taxed to the utmost to continue the terrible work of desolation and despair. In your great cities, far removed from the immediate theater of conflict, the loom and spindle have given place to the necessities of strife. The toil, the skill and ingenuity of your people once employed in the promotion of art, and to ameliorate the condition of society, are now centered with terrible earnestness upon the production of implements of war alone; and he is esteemed the greatest benefactor of his kind who invents the most rapid and effective method of destroying them.—Your great thoroughfares lately taxed by the necessities of commerce, are now monopolized in hurrying to the field, squadrons of armed men, to fill with their bodies the terrible gaps made in the living wall which shields your Capital; and when they in turn have testified their fealty by laying down their lives in the cause, the loyal States are to be decimated again and again to supply their places. The field of conflict once a splendid empire in itself, is one vast charnel-house to-day, the common sepulchre of noble and ignoble dead. The pursuits of peace no longer flourish there. The fruits of industry have been destroyed on the spot where they were produced, and black and smouldering ruins mark the spots where stood the habitations of her peaceful children. Cities are sacked and pillaged, towns in ashes, firesides broken and homes made desolate! But the agony of your people is not confined to the fields which have been trod by hostile armies. Through all the land the avenger has already passed, and from every cottage and by every wayside gathered up his victims. Alike from the splendid mansion and the humblest hearth, from helpless widow and from affluent sire, has been snatched the hope and solace of declining years. Strong in the wealth of noble purposes and rich in country's love, they have gone forth to seal with their lives their devotion to the Republic. They have filled your hospitals with wounded and your villages with mourning; they have strewn your hill-sides and your valleys with the bodies of your slaughtered brethren, until the cry of anguish and the wail of distress are the only anthems of your people!

And while this carnival of blood goes on, and the sun grows dim and fiery through the smoke of war; while stout hearts faint, and widows and orphans multiply as their defenders fall, why come ye here to-day with eager hearts, and what is the significance of all this pomp, parade, and circumstance? Why throughout the loyal States, has the laborer this day left his field, the mechanic his workshop, the merchant his books, and the lawyer abandoned his briefs, to mingle together in promiscuous gatherings like this? To whom and to what is all this homage paid? Answer me now you who can. Is it the simple fact that on this day your fathers absolved their allegiance to the British throne and founded the vast empire of the west? or is it the other fact that through eight years of suffering unparalled, with a fortitude and endurance unequalled in the history of any land, they bore out and triumphed in that resolution? Or is it simply because of a desire on your part to keep untimed the luster of their names, and hand them down to other times with glory heightened rather than diminished by the flight of years? No, I behold in these things a significance far deeper than this outward seeming, more worthy of your manhood and your nationality. For men in other lands have toiled and suffered as your fathers did, in causes most ignoble, and justly has posterity re-

fused to do them honor for it. It is the good these your fathers achieved, the results they accomplished, the change in systems they effected, to which you pay this homage! But what good what results, what change of systems did they achieve? Why the absolute will of kings, or kings and nobles at the best, had constituted Government. Your fathers broke down this theory of rule by divine right, crumbled thrones and scattered royalty to the winds. They broke the social fabric, changed its forms and banished its distinctions. They created a system of law, based upon the will of the people, binding alike on every member of the State, however humble or exalted his position might be, upon those who administer and those who entrust them with the power to administer it. In the name of the people they proclaimed that system of law their Government, but reared no thrones, save in the hearts of their countrymen; and in the public demonstrations of this day, I see only manifestations of the devotion of the American people to this new system, this Government of *Law*, administered by agents who are responsible to them for the faithful performance of their trusts. The Jewish people still commemorate the passover not because of the simple fact that their sacrifices were made, and their door posts that day sprinkled with blood, but rather because thereby the Angel of God which smote the first born of Egypt passed over the houses of Israel, and thus saved them from that terrible affliction. The Christian world still holds its yearly festival, not simply because on that day a man named Christ was born, but rather because through Him, the sublime truths of Christianity were given to the world and mankind saved from death. Many centuries ago, when the Prophet Joshua, succeeding to the command of Moses, led the children of Israel out from the bondage of the Pharaohs, the twelve tribes took with them twelve stones from the midst of Jordan, and erected a mounment; and they were commanded that in after years, when their children should ask "what mean these stones?" they should give them to know they were placed there not to commemorate the bare facts that God had dried up the Red Sea and the Jordan, but rather to commemorate his *kindness* in these acts, whereby his chosen people had escaped the wrath of their masters. And as your children today look around upon this unusual gathering of your people, its dignity, fervor and appointments, and ask of you what mean these things? ye shall tell them it is not simply because your Revolutionary fathers toiled and bled, but because they did those things for a specific purpose; to the end that they and their children might have this government of law, to which every denizen of the land should be amenable. Tell them that on this day such a Government was substituted for the irresponsible will of despots and their satellites, and that a government of law is a boon of such inestimable value, so prized and so adored by the American people, that once in every year they must go up in grand and solemn procession to the Temple of Liberty, and there testify their appreciation and their gratitude! Give them thus to understand the true import of these demonstrations—let them participate in the real spirit which inspires you! Let them not mistake the false for the true, the seeming for the real, nor the shadow for the substance. Tell them that devotion to law, equal, just and uniform in its operation, is the sole sentiment which prompts you to do these things to day. Implant in their young hearts the same beneficent spirit that they may be prepared in after times, when their years shall have fitted them for such duty, in their turn, in the Senate, in the forum, or on the tented field, to defend that Government against all enemies at home or abroad, whether they be found in the Cabinet or in the walks of private life. Tell them that he who levies war against his Government *is a traitor and deserves to die!* Tell them, too, that he who, without levying war, yet violates a principle of his Government, or defies its authority, be he President of the United States or the meanest peasant in the land, is to the extent of such violation, in *rebellion* against his Government, unworthy of the proud title of American citizen, unworthy of the heritage our fathers left

us, and unfit to participate in the commemoration of such a day as this. For it was in a spirit of devotion to *such* a Government, that your fathers, whose names you this day honor, conceived and executed their great work. It was that impulse which kindled their hearts, sustained their courage and strengthened their arms through all the vicissitudes of the unequal contest which resulted in national Independence. They went into that war not because they had really been oppressed, but fighting for an idea: this idea that Law and Government should be synonymous terms. They fought it through upon that basis, triumphed in their faith, and sought then to secure to their children the sweet fruits of their bitter struggle, by adopting the Federal Constitution. That Constitution was the embodiment of their political faith, and the principles of their Government, binding no doubt upon every citizen of the land, but binding more especially upon those who from time to time might be entrusted with the administration of that Government. For the will of the people was to be the absolute law of the land, and they needed no such shield to guard them from oppression by themselves. But an absolute democracy was impossible in such a country as they possessed. They must entrust to representatives, to executive and judicial officers, from time to time, the power to give form and expression to that will, and administer it throughout the land; and to these men, who were to be so entrusted, I say that instrument was given in an especial manner as their rule of conduct. By that Constitution the people said to these temporary agents, "We do not entrust you with all the attributes of sovereignty. A part we reserve to ourselves, and within the scope of those even which we have granted, we prescribe certain limits which you shall observe. This instrument ordained by us shall be your chart. Swear before you enter upon the duties of your trust—swear before high heaven that you will maintain inviolate its provisions, and if you transcend them you shall be crucified." How, fellow-citizens, in the face of these things, can it be contended that any man, in any contingency, can become superior to the Constitution or the law? Mind, I do not charge that such opinions are entertained, I do not charge that such violations are committed. I only caution you now against these evils, towards which I fear the public mind is tending. The founders of the Republic and framers of the Constitution claimed no such prerogative for themselves, but adhered with religious tenacity to all the provisions of the fundamental law which they had created; and so long as their descendants observed the same profound veneration for its spirit and its forms, the growth and prosperity of the Republic surpassed the wildest visions of its founders. Nothing in history is so marvelous as the increase of its wealth and power at home, its consideration and respect abroad. A new flag, your flag and mine, was flung to the breeze on every sea, and a new member ushered into the community of nations. When the young Republic assumed her station among the powers of the earth, she was required on more than one occasion to vindicate the identity and honor of that flag by the power of her army and navy, and well did the little giant respond to these requisitions. The petty States of Barbary presumed in time of peace to ravage her commerce and enslave her citizens, until the flag they had refused to recognise was planted on their own soil, and floated in triumph over their strongholds. England, stubborn and imperious still, sought some pretense to renew her lost dominion in the New World. She searched your vessels and impressed your seamen, and you whipped her for it in 1812; and if she will but carry into effect her smothered rejoicings at our national disasters, we will whip her again before another decade is added to her empire. France and Spain in turn had their controversies with us, each of which closed with credit and advantage to the Republic; and France, forgetful of the lesson, is to day preparing other graves in America, in which we shall yet deposit the bones of more of her cavalry. Texas absolved her allegiance to the Mexican Republic, and attracted by the beneficent workings of our institutions, asked admission into the sisterhood of states. We accepted the offering, adopted the orphaned

child, and added her lone star to the national ensign. Mexico protested against this segregation of her territory. In retaliation she plundered our ships, imprisoned our seamen and citizens, and finally crowned her insolence by invading your boundaries, and shedding the blood of your own citizens on your own soil. A few months passed away and in the heart of her empire, over the gilded palaces of the Montezumas float the stars and stripes! Florida, Louisiana, Texas, California and New Mexico—these are the acquisitions to your territory, and one by one the States carved out of them have wheeled into procession, and added their silver stars to that glittering constellation—bright emblems of freedom, union and fraternity! No longer feeble and impoverished colonies, your empire stretches in unbroken continuity from the Atlantic to the Pacific coast.—Its limits embrace every variety of soil, climate and production, and boundless is its mineral wealth. Its natural facilities for intercourse and commerce, presented by its extended sea coast, great lakes, and magnificent rivers, have been improved by the construction of harbors, railroads and canals, which challenge the admiration of the civilized world. Embellished by all that art, wealth, and science could afford, your institutions of learning were unrivalled, your public and private charitable asylums and associations unsurpassed in the wealthiest empires of modern Europe. In the wilderness, the strong arm of the hardy pioneer had carved out his home and fortune, and the resistless energy of the American character had borne to his very door the refinements of education and the luxuries of life. The three millions of inhabitants had grown to thirty millions of rich, prosperous and happy people, with a system of law and of jurisprudence so just, so perfect and complete in all its details and machinery, that each one of those thirty millions of people might command the aid of all the rest in vindication of his private rights! What spectacle could be more grand and impresive?—what organization of government more perfect and beneficient than this, wherein the meanest citizen became a monarch in power, when the law of his protection was violated? What could be more blissful than the condition of America—free, happy America, before the opening of the sanguinary contest, which sickens and appalls us now? How unlike the prospect which spreads before us on every hand to-day! how unlike is this to the earlier Anniversaries of Independence! Then the morning sun of July 4th could scarcely kiss your mountain peaks, when with one accord your millions of people were seen hurrying to the temple, bearing their gracious offerings to the altar. They chanted the pæans of popular liberty there and sang in unison their songs of joy. North, South, East and West, from every hillside, cot and valley, poured and swelled the wild refrain. It swept along the Atlantic seaboard and lingered through the vastness of the elder States. It trembled on the bosom of the great lakes and along your magnificent rivers. It died away in scarce audible echoes amid the gloomy gorges of your Rocky Mountains—swelled in majestic grandeur again as it swept across the Hesperian Plains, to mingle with the voice of the mighty deep, breaking forever upon the shores of the Pacific! Oh! joy, joy of a peaceful and enfranchised people! A mighty nation lived in the delirium of bliss! No sound of strife, no din of hateful war, no groan of dying soldier from the sanguined field, no orphan's wail, no widow's prayer to God for vengeance on the murderer of her loved! Ask of history, that grim old chronicler of the past—ask of history, when and where has the world furnished such a spectacle of national happiness and prosperity as America presented at the beginning of the present half century? What people ever had such manifold reasons for gratitude to God, and devotion to the cause of liberty and law? And tell me Americans, not as partisans, but as unimpassioned citizens, tell me in the name of that past which you all adore—tell me in the name of that common liberty you cherish and enjoy, but tell me above all in the name of truth if you care utter truths to-day, what has wrought this change in the affairs of your country? Whither shall we look for the prime cause of all your national disasters? The New Englander, animated by

the spirit of universal freedom, and extending to all his theories of liberty and humanity, will answer triumphantly by the single word, SLAVERY; while the Southern man, reared in the midst of different influences, prejudiced by erroneous views of character, and deeply imbued with principles perhaps more practical, if less just and humane, will tell us that the bigotry and intolerance, the restrictive and meddlesome spirit of the Northern element at the North, are the sole causes of the woes we suffer. If either of these things were the exclusive cause, then indeed I should despair of a re-union of these States. But the fallacy of both these answers is readily exposed. However much the North may have hated and the South have loved the institution of slavery—however divine it may have appeared to one, and odious and oppressive to the conscience of the other;—however intolerant New England may have been, and however much the South may have despised her for it, yet that profound respect everywhere for the law of the land, that veneration for the Constitution, that obedience to the authority of Government, which characterized your fathers, would have rendered war within the bounds of the republic utterly impossible. Whatever hostility of feeling may have existed, for more than half a century the opposing sections dwelt together in harmony and a faithful observance by every citizen of every legal obligation, must inevitably have rendered that harmony perpetual. It is here then we find the fountain-head of all our troubles. Not the simple fact that slavery existed, nor the further fact that it was loved by the South and hated by the North. Not the simple fact, if fact it be, that Massachusetts has been proscriptive and intolerant, nor the further fact that South Carolina has despised her for it.—But when I am asked *what* has embroiled us in this most deplorable war I can only answer, the contempt of the people everywhere for law; their oft repeated repudiation of their legal and constitutional obligations; their utter disregard for the legally constituted authorities of the land;—and when you ask *who* has done these things, I answer the people of the rebellious States immediately; but remotely every man, North or South, who has ever violated a law, and every man who has aided, encouraged, or commended such violation, has contributed his little mite to hurl us into the terrible gulf that yawns before us.

And this, fellow-citizens, brings me to that portion of my task wherein I may perchance offend the sensibilities of my too fastidious auditors. There may be those who in zeal in their country's cause is so intense, whose hatred of this accursed rebellion is so bitter, blinding and absorbing that they can see no other wrong but that—men who will not now bear to hear the truth spoken of themselves, though it be done by a friendly voice and in the most perfect candor and kindness. Others no doubt there are whose sympathies for the seceded States and affection for their kinsmen there, and perhaps in some instances, whose blind belief in the justice of the Southern cause make them intolerant of the condemnation which the rebellion richly merits. I am aware that both these classes of citizens will censure and condemn portions of what I am about to utter. Some, indeed, will vilify and denounce me for it; but I shall press on in spite of their disapprobation, turning neither to the right nor the left to avoid it. I have said this day should never be prostituted to political purposes: but I have also said we are here to commemorate the inauguration of a government of law, and surely there can be no impropriety in considering, in connection therewith, the best means of preserving that Government, if we but do this dispassionately, as citizens having a common interest, hope and purpose, and only differing as to the best means of realizing that hope and accomplishing that purpose. If we differ, one of us must be wrong; but let us each ascribe the error to the judgment, not the heart, and part as friends. I cheerfully concede the error *may* be mine, and only ask of you the same concession. I grant that you are honest in the opinions which you cherish, and only ask that you will extend to me the same degree of charity. Let us view then impartially, let us for to-day, at

least, discuss in a spirit of candor and not of controversy, the status of our country and the means of retrieving its disasters. Let us remember there is no question, there can be none of such magnitude as that which now engages the public mind, on which men may not well and honestly hold conflicting views. All men should indeed agree that this rebellion is a crime; but it does not follow that they must agree as to the best means of averting its calamities, or avoiding the evil already accomplished. They view these things from different stand points, through the light of different prejudices and education, and arrive of necessity at different results. To my mind, these conflicting opinions should never be made the occasion of contumely or reproach. For it is not by such agencies, but by generous appeals to the reason and manhood of your adversary that you are to command his attention and convince his judgment. Let us not then by angry words, by crimination or violent detraction, engender personal hate where only difference of opinion need exist, and thus widen the breach and defer indefinitely the day of returning harmony.—Let us not by arrogating to ourselves every virtue and charging upon those who differ with us every vice, nor by blind persistence in our own errors when exposed, nor by an obstinate refusal to confess and atone for the wrongs which possibly we may have inflicted upon others, enhance the perils which threaten us on every hand. Let no man claim infallibility for himself or for his section; and I ask you now, men of the North; you who, like myself, have been from the beginning of this contest unalterably wedded to the fortunes of the Federal Government; you who have sworn at whatever cost the union of these States shall be maintained; is it impossible that you, too, have committed errors?

What season more auspicious for their confesson, what occasion more appropriate for atonement, than the Nation's Natal Day, when every heart is filled with generous emotions, and every pulse is bounding with high hopes for the future? Now, while every breeze that sweeps across the continent is laden with the shouts of joy and victory which go up from your embattled hosts on the red fields of Georgia and Virginia; while the rebellion pales and staggers, thank God, beneath the blows of these stalwart sons of liberty and loyalty, we can afford to be generous toward our fallen foes, and true manhood and a spirit of magnanimity should make us more ready to concede our own past faults, more willing to forgive the enemies of our country the wrongs which they have inflicted upon her! And in such a mood and spirit I ask you, coadjutors of the North, to look into your own hearts and tell me if *your* conduct has been always blameless? Yes, you will answer promptly! that you have never armed against your Government, that the war you wage is a defensive one, in vindication of liberty and a united country. True, the warrior never had a cause more just and holy, more worthy of the approbation of Heaven and a final triumph. Now the struggle is upon you, you would be false to history, false to your traditionary fame, false to every sentiment of honor and of patriotism, did you withhold one moment your treasure or your lives. But behind all this the other question still remains: Have you not contributed, inadvertantly it is true, but none the less in fact contributed, to bring about this very public exigency which now demands of you this sacrifice and justifies this wholesale slaughter of your fellow men? and if you have so contributed, were these things no errors on your part? True, you did not intend such results—you never dreamed they could possibly follow! But the light of the present is reflected upon the past to-day. By the aid of that light go now and contemplate your conduct. Does it not reveal much which had better never been?—Does it not disclose this truth: that all the horrors which assail you now are but the legimate though unexpected fruits of the fallacious views of Government, the pernicious lessons of political power and individual sovereignity of the citizen, which you have been for the last quarter of a century inculcating? These things were not crimes certainly, because they were innocently done, and you believed thereby true lib-

erty was being perpetuated. We cannot censure you because your zeal for liberty inspired you. But we condemn the acts which you have committed, and implore you to forbear them in future, because they are resulting in national ruin and disaster. We refer to these mistaken views and deeds of yours, not to censure or condemn them in any spirit of misanthropy or cavil, but rather simply indicate the shoals on which the ship lies stranded, and as landmarks by which in future you may avoid similar complications. I speak too in a spirit of friendly exhortation and with all due pride in my own section of this noble Union, when I say that we of the North as well as the Southern people, have mocked the spirits of our fathers, spurned the wisdom of their teachings, and abandoned the principles which they implored us to cherish. For to them the law of the land had ever been as the command of God. While they held that the sovereignty resided in the people, they still recognised the authority of the Government. They obeyed its mandates, though they did not always approve them. They exercised their sovereignty only in the manner which the law itself had indicated, and at the ballot-box, by peaceful and legitimate measures sought relief from the enactment which oppressed them or outraged conscience. Liberty, in their vocabulary, was the right of the people to make laws for themselves; in yours it has become the right to violate the laws they have made! Your fathers substituted a Government of law for the will of a despot; you are substituting the will of each one of thirty millions of despots as a law to himself. You have mistaken licentiousness for Liberty and Anarchy for Democracy! You have taught the citizen to believe that he is the absolute sovereign, that the law is but a thing of his own creation, and therefore entitled to no particular veneration; and until you retrace your steps and root from the hearts of the people this miserable theory that they can ever become superior to the law; until you bring them back to the principles of Government, and views of Liberty which your fathers entertained, your free government will be but a farce and no permanet peace can bless your country. If you can not do this by the reason and judgment of your fellow men, sooner or later it will be done by force; for no people will long tolerate a condition of anarchy, and a despot will one day teach you to obey his edicts, though you would not observe the laws which you had made yourselves. You seem to think the law of a Republic should not only be milder, but that it is also less imperative than the law of a monarchy; that the dignity of the citizen would be impaired, and his boasted liberty be but an empty name did he not reserve to himself, and exercise too, on every conceivable occasion, the right to pass in judgment upon the works of the law giver. It is indeed presumed, that in a Republic the law will be more lenient, its requirements less burdensome than under other forms of Government. But as it is milder it should be more rigidly enforced. Monarchist and Republican alike, should bow in humble submission to the existing laws of their respective lands, and an Act of the Federal Congress in America, and the imperial ukase of the Czar should be enforced with the same relentless will. Is freedom thereby impaired—is manhood degraded? Not unless freedom is lawlessness, and factious opposition to order, manhood! What! shall we be told that the citizens of America is degraded by obeying a law which he has made himself? Should it not rather be his proudest boast, that he has yielded a cheerful obedience to every requirement, because it was a duty which he owed to himself as well as to his country? But how have you in fact, discharged these duties of the citizen for the last quarter of a century? Has there been no defiance of law, no repudiation of Federal authority? Is the terrible life struggle in which we are to-day engaged the first and only instance? Alas! these many years, the unbridled will of the citizen has too often been his only lord and master, and lawless mobs the instruments by which he has executed his decrees. These things have not been local in their character. This disregard for legal authority has pervaded every State and no section is exempt from criticism and condemnation. What were the people doing in the great

city of New York about one year ago? And think you those terrible riots, that burning shame and disgrace to the very name of America could have occurred in any land where implicit obedience to the law had been invariably exacted, and the full penalty of its violation always enforced? Could they have occurred any where except in America—no longer free, but now mob governed America? No! nowhere else under the whole Heaven, nor would they have occurred here, had not the political leaders, the local gods of those poor apologies for humanity, been for years instilling into their minds the idea that they, being citizens of republican America, were sovereigns, and equal or superior to the law. And so the miserable raft and rabble, drifted out from the ten thousand hells of infamy and shame in that great city—*they* sat in judgement upon the law of the land; *they* assumed the attributes of the judiciary—arrayed their vile bodies in its spotless ermine, and with the dignity and majesty of a full Bench pronounced the draft un-con-sti-tu-tion-al! and in the vain attempt to carry out their assumed and lawless power, they swept with fire and blood through the very heart of the metropolis! But tell me now, you men of my own native State where these wrongs were perpetrated, wherein were the miserable fiends who murdered, burned and plundered in that great city, worse than the men who framed and promulgated your personal liberty bills, there by defying a law of the land which had been pronounced valid by the tribunal of last resort; arraying State against Federal authority; kindling the spirit of resistance to government, and inciting peaceful and uninjured communities to strife and bloodshed? Is the difference so vast as you at first imagine? You cannot say that no crimes resulted from those acts, for every violation of law is in itself a crime, while the history of each month of the last ten years, the riots which have occurred all along the route of your underground railroad, and everywhere throughout the great and loyal North, would contradict the assertion. True, the men who passed those bills did not then and there with their own hands kill and plunder their fellow men as did the New York mob; and so in degree their offenses differed. But in kind and quality they were the same, for each defied and trampled upon the supreme law of the land. In their effect upon the public mind they were the same—each imbuing with contempt for the authority of government. In immediate results they differed as circumstance and occasion differed; for the law which the Northern Legislatures repudiated—the so-called Fugitive Slave Law—did not operate directly upon those who thus set it at naught, and hence they had no occasion for the use of physical force. But the law which New York defied, reached out its iron hand to seize the very souls of those who dealt the fatal blows, and hence if their offense had been the same, more apology might be offered for them. One, too, was the frenzy of an infuriate mob, the other, the calm, deliberate act of a legislative body. I place these things before you and compare them, not because I think any palliation can be offered for the enormities of the New York mob, but because I desire more clearly to show that those other acts, too, are utterly inexcusable; and yet how many held up their hands in holy horror at the one, but made the welkin ring with shouts of approbation for the other.—What were they doing out in Kansas a few years since, their Bibles in one hand invoking God's pardon if they erred, and their Sharp's rifles in the other, invoking the devil to assist them in carrying out the very schemes for which they felt bound to ask forgiveness? Were no crimes committed there—no rebellion against legitimate authority? Nay, was there not rank treason against the Federal Government? Have we frowned upon these things as we ought to have done? Did we spring to the assistance of the Federal Government then, and vindicate law, order and the Constitution? What was South Carolina—that hot-bed of toryism in the Revolution—that pestilent fire-brand of the Union ever since; what was she doing when the iron hand of Andrew Jackson was stretched forth to arrest her, and the old chieftain swore "by the Eternal" the law should be enforced? What were the Border Ruffians

doing in Missouri and along the frontier, killing, burning and plundering their fellow men, for no other offense, except that they were the children of New England! What have they been doing all through the South these many years, destroying presses and pulpits, hanging, scourging and banishing citizens without the forms of law, not for inciting insurrections; that is but a pretext upon which they have sought to justify their conduct; but simply for publicly declaring the opinions which they honestly entertained upon questions of national polity! What have your vigilance committees been doing in every State and almost every community on the continent? ignoring government and law and dispensing with the services of its ministers. These things have not been the rare events of your times, but the daily occurrences; and thereby you have accustomed the whole people to look complacently through all the days of their lives, upon the most flagrant violations of right, justice and order, and transformed a mighty nation into one vast mob! What have you been thundering from the press, the pulpit and the hustings, everywhere, North and South, but treason and rebellion? No class or party, and no section, is more blameless than another for these wrongs. One great party never ceased from its first organization, to inculcate the false and pernicious theory, that the less mankind were governed the better; but by the events of to-day they are learning that society has not yet reached that point of perfection where human government may be dispensed with. They taught the citizen to believe that as he made the law, it was therefore inferior to him, and resistance to that which he deemed oppressive, was obedience to God! Under the specious fallacy of States' Rights doctrines in their most ultra form, by which they came at last to mean the absolute and unqualified sovereignty of the separate States, they taught us to believe that each State was to be the absolute judge, not only of when its rights were invaded by the central government, but also of the mode and means of redress to be adopted. In other words, that that which we called a Government at Washington, was not a Government at all—only an idle farce—an empty name—and the Federal Union but a compact of independent sovereignties, any one of which might withdraw at pleasure. Has the past history of other parties been more consistent with, or conducive to good Government? No! Their present attitude is more worthy and commendable, but their past is equally odious and censurable. One, the self-constituted champion of universal freedom and suffrage, invoked the "higher law" as the rule of civil conduct, and openly defied all human laws and Constitutions, and those apostles of a Theocracy on earth have yet to learn that "order is Heaven's first law," and God the friend of government. Another still, not so small in numbers, by any means as to be contemptible, pronounced that sacred instrument which your fathers made a law to all, "a league with death and covenant with hell." The laws for the protection of slavery, said they, are so odious, so inconsistent with morality and religion, as to have no binding effect; but on the contrary it is the duty of every citizen to resist them. And how I ask, do you expect to sustain your Government, while the oracles of the people everywhere incite them to resist it? I shall not stop here to discuss the abstract question whether slavery be right or wrong, whether it should be abolished or remain. For however these questions may be determined, so long as there was a law in existence for its protection, the truly loyal citizen would obey that law, whether he approved it or not. For what is loyalty? What do you mean by it—what can it mean in America, except *fidelity to Government?* But what is Government? Your Government is a system of law. Loyalty, then, is fidelity to law; and he is the most loyal man who insists upon the most perfect obedience at all times, by every citizen in every contingency, to every requirement of the law.

This criticism upon the character and conduct of parties, or rather of the whole American people, as they were prior to the war, is just and truthful; and what better school could be devised in which to rear a race of rebels? And when at last, all had become infected with these

false and vicious views of Government and its principles; these fallacious notions of individual sovereignty and power; when they had confounded license with liberty, and the absence of all government with the existence of free government; when contempt for law, and a spirit of disorganization reigned in every breast, what could be expected except mob violence, anarchy, and finally domestic war? While we hold those who are in arms against us then, immediately responsible for the present war, let us charge upon the whole American people the remote and inceptive causes which produced it. And while we denounce in unmeasured terms the present rebellion, let us remember that some of us too may have been violators of law, and therefore rebels in the past; and might perhaps be well challenged by what right we come here to-day, to commemorate the inauguration of a Government, the very existence of which depended upon the observance of the law which we have contemned and trampled upon. Let us remember that while we gave no cause furnished no pretext for this iniquitous war against us, yet by the intolerance too many of us have manifested: by our evident determination at length to impose upon others the peculiar views and systems we have adopted; by ourselves defying the law of the land; by denying the guarainties of the Constitution and invoking in their stead the "higher law," we have given them reason to distrust and doubt us. While we made no war and desired none, let us remember that war only could result from a certain condition of the public mind; and that in creating that morbid and unhealthful sentiment, we have contributed as liberally as the foolish and misguided South. We may have done these things with the most commendable intentions. We may have believed them right—we may have esteemed them matters of christian duty even, yet we see now, they were none the less sad and grievous errors which should be discontinued and rebuked. Let us then who boast our loyalty to the Federal Government, while we carry terror and consternation into the camp of every enemy of our country; while we rally around the old flag and swear by the ever living God that we will not desist until it floats again from every rampart on the Union's soil—let us be equally diligent in purging from the hearts of our people their political vices.—in creating a more correct and exalted view of government and its nature. But while you struggle thus to reform the political opinions of your people let not that task distract your attention from the enemies before you, nor paralyze the arm of your Government stretched out against them. For what apology can the seceded States now offer for their mad and criminal conduct? What palliation under Heaven can be devised, for their terrible outrage on liberty and free government? Some of the people of the Northern States in their individual capacities, no doubt at times had injured some of their brethren at the South. They had indeed attacked their morals, reprobated their institutions and customs, denounced them as criminals, and in rare instances despoiled them of their property; but in their collective capacity, as a people, they had ever been kind, considerate and attentive, while the Federal Government had never for one moment ceased to be the faithful repository of their rights, and vigilant defender of their interests. I ask then, by what right—and I appeal now directly to the candor of Southern men—by what right did you take up arms against the most beneficent government that ever blessed a people? There can be but one answer to this inquiry,—the inherent right of revolution. Yes, but be it remembered, that this right of revolution is one which from its very nature government can never recognize, as it would thereby invite its own destruction; and a right, too, which those who exercise it, can only claim when government becomes so oppressive as to be intolerable. And tell me now, when did the Federal Goverument oppress you? What single aggression upon your rights had it ever been guilty of? Tell me ungrateful children who lift the parricidal hand to day to strike the parent which has fed and fostered you, have you ever felt the power of that Government except as its strong protective arm was stretched forth to shower blessings upon you? When then, and by what, were you called upon to exercise the right of revolution?

And tell me again you men of the South, and answer me not from your sympathies or prejudices, but as cool, impartial judges if you can, was it not the right, nay, more; was it not the duty of the Federal authorities to resist your withdrawal from the Union with all their power and by every means at their disposal? I ask you to remember that every officer of the Government was sworn to maintain inviolate the Federal Constitution; remember, too, that Constitution itself provides for and creates a Union of the States, and then tell me if you can, how that Constitution could be maintained, those oaths be kept inviolate, and yet the Federal Union be destroyed? When you took up arms against us then, there was no alternative but to resist you with arms; there is no alternative *now*, but to pursue you with war,—war, fierce and fast as the vengence of an outraged people can make it, until you lay down those arms again and return to the fold you have so foolishly forsaken! The Federal Government sought no war—desired none; but on the contrary tried by every honorable effort to evade it, and they who forced it into existence are immediately responsible for the fearful havoc it has entailed upon us.

But, little can it matter now, fellow citizens, except to your consciences, where that responsibility rests! Will the fact that it is on the South alone restore to life your slaughtered braves who have poured out their blood like water on an hundred battle fields? Will it hush the voice of lamentation which goes up from every hearthstone and from every altar in all your vast domain? Will it restore to the perfection of God's own image the ten thousand mangled forms, which just escaping death, come back from your hard fought fields and drag their slow and painful steps along the journey of life, praying in despair that God will hasten their eternity? Will it even avert—will it defer for a single hour, that impending bankruptcy and ruin, which all men concede must come at last, if the war be sufficiently protracted! No! and the grave and practical question of the day—the question which ought alone to occupy the public mind and which you and I must all participate in solving, is not "Who made the war?" but, "How, oh God how shall we rescue the Republic from its perils—how bring back the Union of our fathers?" By what plan of conciliation; by what mode of warfare; by what system of wise statesmanship, or how by all these blended and commingled is that great end to be accomplished? Peace, peace, a thousand throats respond, by peace alone can success be made to crown your efforts. Peace, indeed, would be a blissful thing to day—the very earth would shake and Heaven ring with shouts of joy! But are you prepared to let the Union perish as its price, and have you forgotten that by peace to day you would grant to the seceded States, all they have ever asked—all they now desire? "Peace—let us alone." This has been their cry from the beginning of the contest, and a cessation of hostilities by the Federal Government now, would be practically a recognition of Southern independence! But, it is answered; can you restore the Union by war? Can you force nine millions of high spirited freemen to submit to a government they despise and hate? To this, it would perhaps be a sufficent answer to say: True, we *may* fail by war; but we *know* we can not succeed by any other means. War is the only alternative which is left us, and duty demands we make the mightiest effort. But it is insisted again: you *will* fail at last, you will be compelled ultimately to let them go; why not grant it now, and stop this terrible waste of blood and treasure? No! no; we shall not be compelled to let them go! The union of these States shall not be broken; the heritage of our fathers shall not be destroyed; this last hope and refuge of the oppressed of every land shall not be sunk in despair! But from the ashes of the old, the new nation shall arise. From the terrible ordeal through which we struggle now, America shall yet emerge, her Government purified, strengthened, and regenerated; its imperfections developed and removed by this test of its vitality, its benign character better appreciated, its power unbroken and its honor untarnished, to endure forever in the hearts of a more devoted, loyalty, and fraternal people. I

cannot indicate to day with certainty, *how* all this is to be accomplished. I can only submit to you, as one whose dearest interests are in common with you, the views which I honestly entertain, and commend them to your unbiased consideration. My belief in ultimate success, is perhaps founded more upon things eternal and unseen, than on those which are visible and temporal. It is perhaps the result, not so much of my reasoning powers, as of my fervent wishes and a blind faith in the omniscience of Almighty God! For I believe that America was intended for one people and one government—for one liberty and one civilization; and the intrigues of men shall not prevail against that which infinite wisdom decreed from the beginning of time! But this much is now patent to the most casual observer; that war, however distasteful it may be to us, however hostile it may seem to the spirit of our institutions; yet war, terrible and relentless as war ever must be, is the medium through which the goal must be attained. Upon what basis that war should be prosecuted, the truly loyally may fairly differ. For my own part, I believe that war which is to restore most speedily the American Union, must be a war waged for that purpose and for that alone. It must be a war waged in vindication of the Constitution and for the enforcement of the law everywhere, and not with the ulterior design of carrying into practice the visionary schemes of any sect or class of politicians. If the restoration of the Union be the sole end and purpose of the war; if like myself you would discard all other questions—make all other considerations bend to the accomplishment of that desideratum, is it not unwise to shut your enemies off from all hopes of a reconciliation, by irrevocably fixing in advance as a basis for reunion, the absolute subjugation and disfranchisement of their people, the destruction of their institutions and their property, and the remodeling of their domestic polity? What inducement have they to return, if there is no hope left of clemency, did they seek it at your hands to-day? And would a Union based upon the absolute servitude of the South, be more acceptable, more easily sustained in the future, than one partially voluntary and in which there was still left something of love and equality? Can it be that such policy is dictated by wisdom, and the best interests of the country you are so eager to rescue and preserve? I cannot so consider it. A condition of war so terrible and disastrous as yours must be at the best, ought not to be taken advantage of for personal ends by the selfish and designing; and your enemies ought not to be strengthened, embittered, and united against you by your own folly or vindictive hate. Tell your misguided countrymen then, that for the future they shall enjoy their lives and property in their own way, subject only to the constitution and the laws, and unmolested by you, if they will but return to their allegiance and be themselves faithful in the discharge of every duty and every obligation. Tell them that the obedience to law which you are exacting from them at the point of the bayonet, you are yourselves ready and willing to observe; and let the conduct of your government and its officers, in war as in peace, support these declarations. Keep these terms constantly before them, and while you do so, stay not the arm of war but let your blows fall thick and fast on every side against them. Let them not force you into a false position by exciting your malice or revenge, but adhere firmly to the principles of law and justice; and then if they spurn your offers, if they persist in waring against you until by the natural course of events and without your solicitation the war at last becomes one of subjugation absolute, on their heads and not on yours will the responsibility rest. This in my opinion as an humble citizen deeply interested in the issue, is the position which you ought to occupy. You can subdue the South, so sure as the sun continues to rise and set, and seasons come and go. But I fear that many years of bitter war must yet transpire, before peace can be restored on any other terms than those I have indicated; and it may be gravely questioned whether you ought in justice to demand it on any other. Put forth then with the military power of the land a system of wise statesmanship. Let the

two go hand in hand to the deluded enemies of your country, and the blessings of Almighty God will attend your arms and your diplomacy. The soil of America has not yet ceased the production of statesmen surely, and somewhere in the land are those who have the wisdom and sagacity to devise a fitting remedy. For my own part I can propose nothing beyond what I have already suggested, and yet feel that the plan which has been devised by the Federal Cabinet must inevitably prove abortive. Have you who approve it, carefully considered that plan fellow citizens, and determined for yourselves whether it would be wisely adopted? Its basis is an imperative oath to be administered to one tenth of the voters of a seceded State, preparatory to reorganization and readmission into the Union. One of the provisions of that oath is that he who takes it will obey and support any proclamation relative to African slavery, which the President may make during the rebellion. Has it occurred to you that this includes those which may be made after as well as before the oath is taken? Do you propose then to require your fellow citizens to take an oath to support a proclamation, whatever its terms, which the President may make hereafter? And to induce them to take it do you propose to set up in the hands of this one tenth, a government over the other nine tenths? In the name of God, are these loyal men who desire to bring back their native States to the fold of their fathers, are they too, to be made slaves? Are these the coditions on which those States may place again their glittering stars in yon bright galaxy? How fitting here would be the figure used by one who died illustrious. If these be your only terms of reunion, go recreant sons of noble sires, pull down your honored flag! Blot from its azure field the stars which represent those States, but leave the stripes, fit emblems of their degradation and their shame! I appeal to you once more, lovers of freedom, noble men of the North who have accepted that ultimatum; tell me upon your manhood; tell me by your memories of the past, by the graves of your fathers, the first martyrs of American Liberty; would not your own arms palsy, would not conscience smite and your tongues refuse their utterance did you attempt before High Heaven to repeat or subscribe to such an oath as that? I transpose the parties to this oath, and turn my mental vision inward. I place the Union of the States, fondly as I love it, on one hand, my own honor, liberty, manhood, the pride of my children and the fame of my fathers against it; I ask my own heart, then, can I take such an oath as this? and from its deepest chambers comes the answer back, no, no, never, never! And yet despite all these complications and embarrassments; despite the obstacles which folly and imbecility have thrown in the way of success, I still cling to the hope, and rest upon an enduring conviction, that the Union of these States must be perpetual! I still believe that war, such a war as I have indicated, war supported by the good faith of your people and the honor and sound policy of your Government, will speedily accomplish all that you desire. If on the other hand the war be waged in a vindictive spirit, for the purpose of punishing the people rather than enforcing the law, with a view to the destruction of existing institutions, and holding the seceded States as conquered provinces instead of equal members of the Union, I still believe that you will prevail in the contest, but at a much greater cost of blood and treasure. But in either event, though success must come at last, you will find the task more formidable than you are yet willing to admit. You mistook that which was a great, calm and deliberate movement of the public mind of the South, for the sudden struggle of a disordered mob, which seventy thousand troops in sixty days would dissipate; and you will not appreciate the character of this contest, you will not realize the magnitude of the struggle which is upon you, until you read the history of your country more attentively, and remove the almost universal, yet erroneous impression, that the Americans are a congenial people, having a common origin, lineage, and tradition. There is nothing common between the two sections of the Union except their Revolutionary struggle. They are the descendants respectively of the Puritan and the Cavalier,

further back of the Norman and the Saxon; and trace their history where you will, you find them ever at variance, a hatred and contempt mutual and most cordial ever existing between them. No distinct nations of the civilized world are more diverse in character and instincts, in education, sentiment, habits of life and of thought, than these two people. They settled in America at a time when religious controversy was active and virulent, brought with them as distinctive creeds the antipodes of Christianity, and renewed against each other here the religious persecutions from which they had fled at home. The political and religious history of the country since that time, has not been calculated to impair this enmity, or conciliate these differences. They came together in the struggle for Independence, not because they loved each other, but because the safety of each absolutely required such Union. In the beginning it was the creature of force, and by force it must now be maintained. Since that struggle they have grown rich and powerful. They have assumad a leading position among the powers of the earth, the fear of foreign domination has abated, the necessity which created the Union has ceased to exist, the coercive elements which made it have been destroyed; and the inherent enmity of the people now manifests itself by demanding its dissolution, and the establishment of two governments in its stead. They adopted different labor systems, too, which might, perhaps be well called different forms of civilization; und these two systams have been chafing and rubbing against each other, until the struggle culminates in open war. You, fellow citizens, who have this task to perform, this problem of Union and Liberty to solve, ought to undeceive yourselves in regard to this contest, its origin, character and objects. I see clearly how the Federal Government, by the superiority of its numbers, position, and resources, must ultimately overwhelm the seceded States. If you persist in the contest as you ought and must persist, the South must yield at last from mere exhaustion if from nothing else, on whatever basis the work be prosecuted. But your task will not be done when the armies of the [illegible] their military power broken. It is conceded they hated you with a most cordial hatred when the contest opened—they will not hate you less for having made war upon and triumphed over them; particularly if that war has been fought upon the basis which I have reprobated.

If the contest be completed on that basis, then you must commence the work of education and conciliation: for the extermination and banishment of nine millions of free Americans, is an idea which ought never to pollute the heart—these are words which should never fall from the lips of a citizen of this Republic.—You must teach your conquered enemies first to love and respect, rather than despise and hate you. You must teach them to forgive the wrongs they will think you have inflicted upon them, and forget the humiliation of their conquest. You must teach them to adopt your views of morality, politics, government and Christianity. And more difficult than all, you must teach them to prefer your labor system to their own, the peculiar civilization of the North to the peculiar civilization of the South. All this must be done before you can have a peaceful, harmonious and enduring Union, if the contest be continued on the basis of absolute subjugation and reconstruction on which it is now conducted. It can be done, but it will not be the work of a few months or a few years. I place these things before you, I ask you to view them by the light of these historic and philosophic facts, not because I would discourage or dishearten you, for my whole heart is in the war, war to the bitter end; but because first, I would impress upon your minds the advantage of making war upon a wise and proper basis; a basis which will secure to you the co-operation of the rebels themselves, when the struggle is ended; and second, because I would have you prepare for the worst which can possibly befall you, and nerve and strengthen yourselves for a yet bitter and protracted contest. You and I, fellow citizens, the veriest child that hears my voice to-day, may not live to see the end. Yet under better auspices, by more prudent management, by wiser statesmanship, by the cultivation of every political virtue; but above all by a firm adherence to the principles of Government, if there is a God in Heaven who attributes

truth and justice, all must yet be well! I have endeavored to look behind the dark veil of disunion and see what lies hidden there, and turned sorrowing and despondent to seek some measure of the cost, the blood and treasure which will be required to avert its disasters! Fearful and appalling as it is, I believe the preservation of the Union of these States will be an ample compensation for it all! A half a million noble forms are cold and pulseless in the embrace of death, and thousands more must perish! But in such a cause we should be willing, if need be, that they die. Their deaths will shed immortal lustre on their names, and patriot graves are more to be desired than lives of infamy and shame! Let it be remembered, too, that if we now fail, this will be the last experiment at self-government by any people. History tells the mournful tale how the republics of the elder world have fallen to decay. But here, under circumstances more auspicious, far removed from the intrigues and assaults of other powers, it was hoped free government might flourish on forever. There are no more continents to be discovered on this planet of ours, and no situation so favorable to the growth and endurance of such institutions can again occur; and if the vast domain we have jointly held so long be now broken in fragments, and half a dozen petty empires reared upon its ruins, farewell forever to constitutional liberty! buried while the ashes of its early bonfires are yet warm on the soil where they were kindled! If the Union be lost to-day, the woes which must result from its dissolution will not be confined to the American continent alone. The wail of liberty will be heard wherever the light of civilization has penetrated, and the last glimmering hope beam which lights up the oppressed millions of the old world, will have set in the gloom of eternal night. But I choose, fellow citizens, to read in the future of my country far better hopes and brighter visions than this dream of darkness brings. No! I repeat the Union will not be lost! This hour even the auspicious season dawns. While we stand here to commemorate its birth, the clouds which have so long obscured its future break and pass away. Between the rifted ranks new rays of light are streaming in, revealing to us, far out upon the open sea, beyond the tempest's wrath, all danger passed, your gallant Ship of State, now moving proudly on once more! The Federal Constitution safe on board, a faithful crew upon her decks and loyal helmsmen at her wheel! not a sail in tatters, not a mast broken, nor a shattered spar, and floating from her peak no emblem of divided States, but thou, my country's flag, not a stripe erased, not a single star obscured, but blazing still in characters of living light, grand, glorious and triumphant!

Heaven grant that this be no false vision of mine, and to aid its speedy consummation I appeal to every citizen of the Republic. I appeal to you, Irishmen, by the memory of the wrongs which you have suffered from British despotism; by the unavenged graves of your murdered Emmett and Fitzgerald; by the blood which your Montgomery shed for us in our early liberty struggle, stand in the hour of its need—firmly stand by the only flag on earth which ever shielded you from bondage! I appeal to you German citizens, by the calm light of your innate philosophy — by the proverbial love of your Father and for the institutions of liberty, support the Government of the United States! — I appeal to you adopted citizens from every land and clime under the whole Heaven—you who have come here to share with us that liberty which you could nowhere else enjoy; prove your devotion to your new found Gods, by faithful, living, generous support of the legitimate Government of free America! But to you, oh! men, born on American soil, does the adjuration come with peculiar force and application. The weeping Genius of Liberty in the habiliments of woe now stretches out to you her nerveless and half palsied arms! The spirits of your slaughtered demi-gods, made perfect, from their golden thrones on high look down in supplication.—They implore you by the sufferings of your Revolutionary fathers; by the anthems of popular liberty chanted in the wilds of Kennebeck; by the memories of Lexington and Concord; by the crimson foot-prints on the frozen soil of Valley Forge; by the carnage of Monmouth and the triumph of Yorktown; by the bones of your unburied dead bleeching at Pittsburg Landing and on the fields of Spottsylvania; by the grave of your Washington, by all your hopes in life or death, for yourselves or for your posterity—save, Oh! save this glorious Union! Gathered around this altar now, vow by your country's love to-day, that whatever may transpire of weal or woe, in evil and in good, in the shock of war and the blessings of peace, the old flag shall only be yours with all the stars still numbered on its field, and none other float over the land you call your own! Higher and prouder let it rise before all nations of the earth! Upward and onward bear it now as in the better days agone! upward and onward till its shadow covers once more every foot of the Republic's soil, and beneath its ample folds the whole American people, North, South, from the Atlantic to the Pacific coast, peaceful, happy and united, hold again their yearly Jubilee!

Citizens! my task is done. If I have offended any, deeply indeed do I regret it. But I could not afford on this day to pander to the prejudice of any man. The occasion is too sacred—the future too full of mystery and danger! I ask you only to remember, that a speaker's conscience is his most potential hearer—its applause more valuable, its censure more terrible than all the world beside. I know that I have spoken fearlessly and impartially — I think I have spoken truthfully. I could do no more; I had wronged the occasion had I stopped with less!

SPEECH

INV. 1895

OF

MR. EDMUND RANDOLPH

DELIVERED AT

MUSICAL HALL, SAN FRANCISCO,

AUGUST 5th, 1859.

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1859.

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MR. EDMUND RANDOLPH,

Delivered at Musical Hall, San Francisco, August 5, 1859.

The meeting was called to order at half-past 8 o'clock. Thomas J. Poulterer was called to the Chair. After returning thanks for the honor conferred upon him, Mr. Poulterer introduced to the meeting the speaker of the evening, Edmund Randolph.

Mr. RANDOLPH said—Fellow-citizens: I have sought the opportunity of addressing you this evening, not from any desire of making a public speech—for that I would rather avoid—but because I believe that when a man is a candidate for office, it is his duty to present himself before the people, and do them the homage of personally soliciting their votes. The office, gentlemen, to which, with your aid, I seek to be elected, is one requiring a certain degree of professional attainments, and the usual fitness for a public trust. In none of these things do I claim any advantage over my competitors. With one of them, Mr. Love, I should be content to be placed on an equality. As to the young gentleman who is a candidate on another ticket, I do not know so much; but certainly I know nothing to his prejudice. Therefore, gentlemen, in asking your votes, I ask them upon political grounds alone. I desire that every man who may vote for me for this position, may do so for the purpose of expressing a political opinion; and that if there is any man who, when he knows my opinions, though he may be intending to vote for the ticket, should not agree with me politically, I desire that he will remove my name from the ticket. It will give me infinitely more satisfaction to receive any considerable number of votes upon the ground of my political position and political opinions, than to receive all the votes that will be cast at this election upon any other ground. [Applause.] Asking, then, your suffrages upon political grounds alone, it becomes me to say to you that I belong now, and always have belonged, to the party of Democratic opinions. At no time have I been associated, in any degree, with any other party, society, or sect in politics. [Applause.] Always, it has been my wish and endeavor to adhere also to the Democratic organization, and support the nominees of Democratic Conventions; and this I have done so far as my conscience would permit. [Applause.] It is true, however, it has oft-times been my lot in California to vote against the nominees of the Democratic party. I have done so, always, upon one ground alone: and that my personal conviction. Upon this subject I desire to say that I am not one of those who believe that the rights and duties of a citizen are in any degree compromised by association with a political party. Above all other duties, I hold to be that of doing the best which lies within our power to give to our country proper rulers. [Applause.] In my theory, Conventions are not the masters, but the servants of the people [applause]; that it always becomes a Convention, assembled for the purpose of nominating candidates, *to justify their work to the people;* not that it is the duty of the people always to obey the dictates of their own agents. [Applause.] My confidence and respect for the intelligence of the people also teach me that whenever any considerable portion of a party refuses to support the nominations of a Convention, that then, not the recusants, but the Convention stands rebuked. [Applause.] I say these things, gentlemen, from a desire to deal to-night with my audience with the utmost frankness and candor. If any man finds in these views anything to object to, his remedy is the simplest in the world: Vote for some man other for the office of Attorney-General of the State of California. At the present moment the Democratic party is greatly divided. On the one hand we see Democrats: on the other hand Democrats also. We see Democrats who stand away from the party, silent, taking no part in the contest. Again, we see occasionally Democrats who, for a generation, have been known as staunch among the staunchest, going over and joining the Republicans. Of this last I may take the liberty of nam-

ing only one—an old friend who was with me in the National Democratic Convention of 1848, which nominated Mr. Cass for the Presidency, and who has been a Democrat more years, perhaps, than I have lived; and who, I believe, will himself be a Democrat again, unless such a step should come in conflict with some of his new opinions. I don't know how that might be. I allude to Mr. Thomas Grey, one known well to the people of San Francisco—whom they have trusted and found honest. [Applause. There are many more of whom the same may be said. All these things show how, at this moment, the great Democratic party stands divided—how there are two wings directly arrayed against each other; as well as another portion standing entirely indifferent, mute dumb; others, driven away, and taking refuge in another organization. Under such circumstances, the question for us all to put to ourselves, the question which I put to myself is. Where shall I go? On which side? This is getting now to be the important question the preeminent, political-personal inquiry, the question which each one must now decide for himself. Party feeling is running high, blood has grown warm, and on whichever side you are disposed to go, there will be some friend on the other side to meet you and say: Is it possible that you are going to join that set over there? I turn my eyes in the direction indicated, and see only my fellow-citizens of the State of California—see only members of the Democratic party; and when such an appeal is made to me to refrain from taking a position with any considerable portion of the people of California, or any considerable portion of the Democratic party in California, such an appeal falls without any weight whatsoever. I am not able to decide this question from personal predilections, or personal antipathies. I regard as unworthy of ourselves individually, unworthy the great duty we are soon to perform, the thought of deciding such a question in such a manner. Again, some will say to us: Look back to the past, review the turbulent and somewhat turbid history of our party in this State, and is it possible that you will join this wing or that faction, or the other clique, with the responsibility on their shoulders, of this or the other sinful act or omission?—pointing to something in the past. For the life of me, I am unable to discover anything which, in my poor judgment, lends to the one party, or section of a party, a precedence over the other, in a moral view. I only do not see that all sections, all classes, all sects political, embraced now or heretofore within the Democratic organization, have been otherwise than equally guilty. Gentlemen, I know of no Purity Party; I know of no set of men in a political association who can undertake for themselves to thank God that they are not as other men are. So far as the history of the Democratic party in the State of California is concerned, I think that in the regards alluded to, all wings may be said to stand pretty much on an equality. But, gentlemen, I look a little nearer: I do see a line distinct, at last, which begins to operate with me to some extent. Two forces have always wrought upon the great mass of the Democratic party in this State. One is a foreign influence—relatively speaking. I see the indications of a party who take their opinions from abroad; who think and say as they are told in the city of Washington to think and say [great applause and cries of "Good!"]—a party well backed up with foreign money, so far as we are concerned—relatively speaking; that is, with money from the Treasury of the United States. [Applause. "The curse of the State."] In that party I see no ground for pretension to superiority over their neighbors. And I desire to say that in an equality of sin and in an equality of virtue, give me rather the party of the State of California, which endeavors to make its opinions, and make its men, and take an independent position in the councils of the Nation. [Prolonged applause.] All these things, in my own personal connection with this matter, which has been exceedingly limited, have been distinctly illustrated. The last time that I had the honor of addressing the people of San Francisco on a political occasion was in 1853. At that time there was one of the nominations made by a convention of the Democratic party which most indubitably met with my disapprobation, and in the exercise of my individual right as a citizen, and in response to the call of a number of gentlemen, I felt constrained to oppose it. In so doing, the bitterest opponents I met with, in the press and before the people, were precisely those gentlemen who one year afterwards took up every word I had said and repeated them with amplifications and with a reproachful and bitter spirit, which I had never thrown into the canvass. What was the reason? Why, gentlemen, it is as plain as anything can be. The party which in '54 pretended to be more virtuous, to be purer than the other portion of the Democratic party, were actuated merely by a dispute about the division of the proceeds of the common victory in the year '53. [Laughter and applause.] I do not undertake to give my opinion of the past as any rule for any other man's opinion; I do not propose to reopen any of those things which have gone by; I desire that the past may sleep; but its present application is, that so far as any division in the Democratic party is concerned, so far as there is any claim to superior merit, purity or virtue, it is without any foundation; and those who make it never thought of it until a Senatorial election was in question. In the year 1854, those gentlemen who took the very same position which I had taken in '53, afterwards became so exceedingly proud of it that to this day they do not seem to remember that anybody had gone before them, and perhaps they were eventually enabled to persuade themselves to believe that they were the first persons who thought of anything of the kind. [Laughter.] Now, gentlemen, neither in the history of politicians, any more than in the personal merits, any more than in the relative degrees of purity and virtue of individuals, can I find any thing to guide me at this time in the choice of my political course and opinions. I must look further than this. I take up next the platforms of the two wings, so

called, of the Democratic party; both of them this year are unusually short. Read them, each one of you, for yourselves. I have read them, and from beginning to end, they are almost precisely the same, save one point of difference, and that distinction consists in the fact that the Federal patronage party are pledged to support the Administration of James Buchanan. Now, I am one who, *from the bottom of my soul*, OPPOSE *the Administration of James Buchanan.* [Great applause.] At last I have reached firm ground, at last I see something by which I am able to determine my choice as to what party I shall act with in this election. [Applause.] But, gentlemen, friendly objections do not cease, even yet. There are many whom I meet with in my daily walks—men whom I respect highly—who disavow all connection or sympathy with the acts of this Administration, who say: Admit all these charges to be true: suppose everything which you have to allege against the Administration of James Buchanan is true, is it not better to bear with his rule two years longer, and see if we will not get a better choice the next time? Gentlemen, I know of nothing which furnishes a parallel to this proposition, except it be the discussion I lately read in the newspapers, which is said to have taken place in a balloon. The balloon was being driven rapidly through the heavens by a hurricane, and losing fast its power of remaining in the air, descended towards the earth and was near to being dashed into the waters of Lake Ontario, then lashed into fury by the storm. Then a discussion arose among the parties occupying seats in the car attached, whether they should let the baloon come down there, take their chances of being fished up by a schooner, or make for the land. One thought it better to remain in the lake and run the risk of a billowy grave, while another believed it preferable to make for the land and take the chances of being dashed against the rocks or transfixed by the bough of a tree—with a probability, however, of a safe return. I am of that latter opinion. Let us not remain any longer with this Administration; let us make for the land now, and not wait to be fished out by a Charleston Convention. [Great applause and laughter.] Gentlemen, it is impossible to begin to discuss the history of the present Administration at any other point than the Kansas question. And also, gentlemen, it is impossible to say any thing in regard to this great question which has not been said before, and said a great deal better than it is in my power to say it. However, being born in the South, having been educated in the South, being, I suppose, as completely a Southern man now as a man can and of right ought to be, who is thoroughly a Californian, I prefer, in expressing my opinion, to adopt the language of a Southern statesman. In the words of Hammond: I think the recommendation of the President of the United States to adopt the Constitution for the Territory of Kansas which was proposed at Lecompton ought to have been kicked out of the Congress of the United States [Applause.] The only thing in this connection which excites my wonder is, that the man who, within less than a year after he had voted for the bill alluded to, expressed such an opinion, had not at the proper time done what was in his power to accomplish the desired object. My objection to this proceeding with reference to the Territory of Kansas is the simplest that can be proposed to mortal man. It is simply because I do not believe that the people of Kansas ever made the Constitution; and if the people of Kansas never made the Constitution, in the name of God, by what kind of reasoning, by what process of justification, can a man bring himself to the point to say that the people of Kansas should be governed by such a Constitution? [Applause.] Away with logic, away with fine distinctions, no quibbling, no special pleading of a lawyer, but did the people of Kansas frame the Constitution? Is it their own work or not? Never were these men bold enough to say that the people of Kansas approved of that Constitution. Therefore, when the President of the United States did bring all his power to bear, all his influence, in every shape and form, to impose it upon the people in Kanzas, HE DID ATTEMPT THE MOST MONSTROUS OUTRAGE EVER HEARD OF IN A FREE COUNTRY. [Great applause.] The oldest man today in California, who had not seen the proceedings of the President, the Administration and its supporters upon that matter, could never have been made to believe upon any man's assertion, or by any kind or specimen of argument, that such a thing was possible in these free United States of North America. [Great applause.] Gentlemen, this proceeding has more than one side to it. That of which we hear most is that of which I have just been speaking. The outrageous endeavor to force upon a people an organic law which they never created was, in effect, but an insult, because no rational man ever did believe that that Constitution could by any process be made to work in Kansas. It was a gross indignity to that people. It was, for a time, a denial of the rights, which, at the same moment, it was confessed they should have enjoyed. All the proceedings went upon the admission that Kansas ought to have a Constitution, and the attempt to force upon the people of that Territory a Constitution not of their own making, was simply a denial of this cardinal right of freemen. But gentlemen, mark you, how this thing branded this Administration; how, in making this futile, this vain, this pointless attempt against a free people, who could never be brought to subjection, wounding all the sensibilities of all right feeling men from one end of the Union to the other, mark you, how the President of the United States did continue to make his damnation still deeper and blacken himself still more. Look at the PERSONAL TREACHERY of this man James Buchanan, President of these United States. Does any man deny that the President wrote a letter instructing Robert J. Walker to go to Kansas and endeavor to procure a submission of the Constitution to the people of Kansas? President Buchanan, by the most urgent solicitation, induced Mr. Walker to go to Kansas on this mission,

with instructions precisely as I have declared them. I think that, never before, in the course of our political history, was there an instance where a man was urged into the performance of a great public duty, and when he had completed his required work, or done all that lay in his power to bring about the exact fulfilment of his commission, was turned upon by the President, his former professed friend, delivered over to his enemies, abandoned, reviled and sacrificed by the President who sought him out for the service he faithfully followed according to the terms of the appointment. Can Duplicity go farther than that? Can we find anything in Double-dealing, in Treachery, in Falsehood, which will come quite up to such a standard as that, when a man, holding the pre-eminent position of President of the United States, by personal, vehement solicitation prevails upon a gentleman of high standing to take a position, which required great firmness indeed, but the instructions in regard to which were plain and complete, and then turns upon him, denies him, derides him, and delivers him over to the persecutors. [Sensation.] Gentlemen, it goes a little farther: There was a vast deal of vaporing and bullying about this matter, as well as duplicity. It was pretended that the President never would take another course. It was announced, up to the last moment, that this Constitution, after having been framed and passed upon by a so-called Convention at Lecompton, never should be submitted directly to a vote of the people. Yet, gentlemen, notwithstanding all that, it was submitted virtually; an entire submission being avoided only by the most palpable shuffle. It was in this way: Though the Constitution entire never was submitted, certain propositions were submitted; and just according as the vote on those propositions stood were the people considered to have voted on the whole Constitution. By that sort of an ingenious quibble did the President manage to keep up a reputation for firmness—in never submitting the Constitution to the people of Kansas, at the same time allowing the people of the Territory to vote upon it at last. It is like betting at *faro*, where all that passes, visibly, is certain white and red chips, but money is the real thing won or lost. A person may go to the *faro* table and pretend that he has not been guilty of gambling, as well as Mr. Buchanan can pretend that he has vindicated his firmness, and has not been driven to submit the Lecompton Constitution to a vote of the people, after protesting so strongly that he never would do so In submitting the propositions comes another circumstance, which I do not know how to qualify without venturing upon the use of language improper to use before such an intelligent audience. But what shall I say? When, at last, the Constitution is sent to the people for an indorsing or rejecting vote, they are told that if they vote in a certain way they shall come in as a State, at once; but if they do not vote in that way they shall not come in now, nor until they shall have obtained a much larger population than they now possess. Can anything be plainer than this: that if the people of Kansas had a right to make a Constitution of one sort, they had the same right to make a Constitution of another sort; that if this Administration put in a condition which was to operate only in a particular case — was to have no effect unless the people rejected the Lecompton Constitution, such action was arbitrary and tyrannical in the last degree. [Applause.] I do not assume to say to you one single word on this question which you have not already heard, and heard a thousand times, perhaps. But, gentlemen, such is the case. It is not my fault if it is so plain. These are the indisputable facts. How then shall a man justify this Administration even for a moment? But, gentlemen, what I felt most regret for in this matter is what, perhaps, is not heard so much of. It is that the South, that portion of the Confederacy from which I come, which had always been proud of the purity of its escutcheon without a stain, without a reproach—should have been led into supporting the President of the United States upon so grave a matter as this. I regret that the South should have been induced to lend herself to the President in covering his crime in this affair; that, at last, for acting under the influence of this Administration, a man may point his finger at the South and say: One thing you have done which you cannot justify by the standard of your own morality. [Great applause.] There was the real injury? Kansas had suffered little. I presume that in a short time Kansas will be a State, and few people within her borders may continue to cherish a remembrance of these facts. But many a day, many a year, will elapse before it is forgotten that the people, the representatives of the people of the South, under the Administration of James Buchanan, aided the President in attempting this disgraceful imposition upon that young community. [Applause.] What was it that induced the South to indorse this thing? For the mere name, shadow and pretence of introducing slavery where slavery would never go, so that all this reproach has fallen upon our people, all for naught, for no one who understands the opinions of the people of Kansas, who knows the nature of the country in different latitudes — under no circumstances will such a man presume to say that ever Kansas could be a slave State. Never. Therefore, for a mere name, the bare idea of making a slave State on paper, the South was misled to lend their aid in this matter. But, gentlemen, this is not the point of beginning in this matter. In the resolutions adopted at Cincinnati, in the year eighteen hundred and fifty-six, there are resolutions which do most vitally concern all the people and States of the South, resolutions which pledged this Administration to maintain the ascendancy of the Government of the United States in the Gulf of Mexico, and maintain a predominant influence on all the Isthmian routes. These were of real interest to the South, and all of these were forgotten in this melancholy rage and madness to carry through an impossible and utterly worthless fraud. [Applause.] So deeply involved, so steadfastly engaged were the President and all his Cabinet and advisers in perpe-

trating the Kansas outrage, that all these things were totally forgotten. At that very period, when the Executive attention was riveted on this scheme, the English navy rode haughtier than ever before in the Gulf of Mexico.

At that very time one Isthmian route was entirely closed, and another in imminent danger of being closed. In every country, from our southern line to the equator, the name of the United States had become a by-word and a reproach, and the influence of our Government was utterly lost. There was the real injury which was done during that session of Congress. Because, as matters stood, with the alliance between France and England, the united diplomatic forces of France and England brought to bear to support this order of affairs, there was great cause to fear that these two European Powers would gain a sure and permanent foothold in the States to our south. Perhaps, from this danger, the Government of the U. States escaped by the entanglements which soon took place on the Continent of Europe. In the distracted condition of Mexico and the States below her, and with the great activity prevailing in the diplomacy of the powers to whom I have referred, and with the navies of these two great powers acting in concert, nothing was more possible, nothing more reasonable, than the obtaining of a firm and lasting foothold by European Nations immediately upon our southern boundaries. Perhaps, I say, we owe to the present war in Europe a safety from such impending events. Not unto us, not unto our own Government's foresight, do we owe any improvement in the complexion of our affairs with our Southern neighbors. Gentlemen, when I commence speaking of our foreign relations the first thing which occurs to my mind is the language of the resolution adopted by the Administration Convention which recently met in this State, lauding this Administration for procuring the abandonment of the right of search by Great Britain. Have you paid any attention to that? Do you know with how many qualifications this abandonment is made? I will tell you some of them. In the first place, while they have "abandoned the right of search," they claim the right to search when they have cause of suspicion [laughter]; and in that way, or under that exception, they have, since this boasted "abandonment," overhauled one vessel, invaded, searched and actually burnt her, on the coast of Africa. Another exception to this "abandonment" is, that if the British Government has a Minister in a foreign country, and if any vessels bound to that country are supposed to be likely to carry ammunition or means of disturbance to the inhabitants of that country, then again, in that case, she reserves the right to search. This is a declaration of the British Government to Mr. Dallas, in an official communication. Again, if vessels happen to be lying in the port of Greytown, the British Government claim the right of search, by virtue of a protectorate. But our Government pretended not to recognize that protectorate and yet this exception seems to have been agreed to by this Administration—certainly we have heard no word of complaint on that subject from an Administration source. I do not think much of any "abandonment of the right of search" with all these reservations and conditions. I think that it is very much like a Chinese victory. I know of nothing unless it is that which at all resembles it. When the British took possession of Canton the Chinese were compelled to buy off their enemies by the payment of a great many millions of pounds sterling. They paid the money and the British went away. Then the Chinese boasted loudly, and had a great time about it. They boasted as much as our Administration does about the right of search having been abandoned. They said: These poor foreigners were exhausted in means and we treated them kindly, and we gave them money to live upon when they got home; and all the Chinese, upon that, cry out at the victory which has been obtained over the British. [Great laughter and applause.]

One other great triumph of this Administration is the celebrated Paraguay Expedition. [Laughter.] This famous expedition set out with great pomp, with many ships of war, carrying great guns and many hundreds of armed men, for the purpose of "demanding satisfaction" from a Government somewhere in the very heart of South America. This expedition was fitted out and carried through at a cost of five or six millions of dollars. I suppose that there is no man who is able exactly to say how much it did cost. Now, I will tell you how much it gained. I think that $10,000 was secured as a compensation to the family of an American seaman who had lost his life from some act of the Government—

A Voice (interrupting)—On board of an American man-of-war.

Mr. Randolph—On board of an American vessel-of-war, by a shot fired from a Paraguayan fort; $10,000 was the sum gained; five, six or seven millions was expended. Then the President of Paraguay agrees with the President of the United States that all other demands shall be left out to referees, and for whatever sum the referees report the President of Paraguay will give his note. [Great laughter.] That is all that has actually been gained by this Paraguay Expedition, save and except always a famous letter written by one James B. Bowlin, who was sent out as Peace Commissioner, instructed by James Buchanan, who hates war, in the name of God to stop anything like fighting. [Laughter.] This letter explains to you how it was that this Administration was enabled to procure so distinguished a success in regulating these affairs in South America. It was the simplest way in the world. As soon as the fleet arrived in the harbor of Montevideo, the American Commissioner goes ashore to reconnoiter, and, as he writes to the President, he was rather coldly received. He didn't like that; he was afraid that there was some war in it. [Cheers and laughter.] Therefore he picks out the most important man in that place and tells him to use all his influence to prevent any fighting, for it is not his intention, with all his fleet, to do anything like shooting. [Laugh-

ter.] Then these suspicious people became more agreeable, and of this fact the President of the United States is duly informed by the Commissioner for the United States. Commissioner Bowlin then proceeds a little further up the river and he comes to another country—it don't matter about the name of it. There Mr. Bowlin is met by General Urquiza, and he is treated in the same manner in which he is treated below. Bowlin takes the General one side and assures him that nothing like fighting is intended. [Laughter.] Mr. Bowlin says that Urquiza is delighted and most delightful is the manner in which Mr. Bowlin describes the delight. He don't express himself in an ordinary way. He says that after giving them these assurances:

"I assured him that, whilst I was compelled to decline his mediation as the bearer of the olive branch, and knowing the views of the Administration, and its anxiety for an amicable but honorable adjustment of the unhappy difficulties, I should feel grateful to him for any kind offices he might employ in carrying out these peaceful views. As I closed these remarks, the General, with a kind of electric spontaniety——"

Electric spontaniety! [Great laughter.] What in the world that meant I don't know. Mr. Bowlin proceeds up the river, Gen. Urquiza mounts his horse and travels overland, and makes great haste in ordef to get to the Capital of Paraguay, where Lopez resides, before the Commissioner arrived. When he gets there he tells Lopez and his Ministers all the choice things that Mr. Bowlin has said, amplifying and rendering them even more impressive, so that when Lopez meets Bowlin he at once greets him with open arms. This is fully recorded in the famous letter to which I have alluded. According to the best authority, there is an equal amount of delight manifested on this occasion, though we hear nothing of "electric spontaniety." [Laughter.]

One item which strangely characterizes this Administration is the selection of the man sent as Minister to Paraguay. According to his own showing, he is, doubtless, quite a respectable old gentleman, who would have done very well to have remained at home and drove a hay cart [laughter]; but why in the world he was sent upon a foreign embassy this Administration alone can determine. He writes in the most natural way about the markets of the capital; how the women dressed, that they dressed in calico and went barefoot [laughter]; what was their complexion, and how they smiled and showed their teeth. He says that the country much resembles Missouri—the only place he could think of, I presume. [Great laughter, and shouting "Pike!"] It is very like Missouri, he exclaims. He says it stands on two great rivers—a fact of which the President might have been apprised, if he had ever looked at the map. [Laughter.] The Paraguay expedition has come home again, and now we turn to subjects which touch us a little more nearly. We find how one-half of our people were insulted by a threat of tyranny, thrown into their teeth, and for no possible practicable object; how the other half was disgraced, and how this great Administration, engaged in shameful acts, forget the interests of the country lying at our doors. Now, we come to the railroad. Gentlemen, was not James Buchanan honored with the vote of California in a very great degree on account of his promise as to that railroad? ["Yes!" "Yes!"] That promise reached here just in time to operate in the election, and not in time to get back home—to such parts of the country as were opposed to a railroad. And then, it appears to me, all the business of James Buchanan in regard to a Pacific Railroad was entirely completed. What else, *what else*, WHAT ELSE has there been done? Take this Administration according to its own mode of conducting business. Has there ever been a Postmaster discharged in behalf of a railroad? [Laughter.] Has anybody been threatened with expulsion from the Democratic party on account of this road? And when the President is at work, we are apprised of it by some such sign as that. We hear the most cold, merely verbal recommendations in those formal papers known as "Annual Messages" that there ought to be a railroad—a fact of which we are pretty thoroughly aware. But where, O where, can any man show me the influence of this Administration manifested for the accomplishment of this work? Nowhere. There is no belief but this: It is considered by every reflecting man that if there is even one thing under the sun to which President Buchanan is more indifferent than to another, it is a railroad to California. We cannot look into his breast and see the promptings of his heart, but we judge him merely according to what we see in his acts, Why, then, I say, is it that our great people are to be trifled with in this way? Is the most sublime office in the world to be won by a falsehood? Here, again, I see one more falsehood, another act of duplicity, and one which should sink deep into the minds and hearts of every man in the State of California. [Great applause.] Would it be necessary for me to go further to justify what I said in the beginning—that from the heart and upon my conscience, I do cordially oppose and detest the Administration. [Applause and cries of "No!" "Enough!"] So many wrongs, so many outrages, such great falsehoods—surely this is enough to make any man stop and refuse, even if there were but five minutes left of the Presidential reign, to give one syllable more to applaud such a man. [Applause.] Gentlemen, there is another subject to which I will call your attention, because, like those which I have mentioned, it is to be found in the resolutions of the Cincinnati Convention. I wish to show one more instance in which the President of the United States, in great affairs, has broken his pledge and plighted word.

There is a resolution among those adopted at the Cincinnati Convention which pledges Jas. Buchanan to a sympathy with the struggles of a certain number of our fellow-citizens who were in Central America. I do not ask you now to concur or agree with that portion of our fellow-citizens who were engaged in that struggle. I do not care to

detain you by relating what I personally know upon that subject. Suffice it to say, that in the month of June, 1856, James Buchanan, in solemn form and under his own sign manual, pledged himself to the deepest sympathy with the struggle of these persons. In his first Annual Message thereafter he did denounce the very same men, engaged in the very same acts, and referring to the very same events throughout, as no better than robbers, pirates and murderers. [Sensation.] Now I ask you, not what you think of these forays—as some of you, perhaps, would call them—in a foreign country, but what you think of your President for having given such a pledge and then improved the first opportunity to unsay it again? Does any man doubt this? He will find it all in print. He will find it by the resolutions and the votes adopted at the Cincinnati Convention, and the President's letter of acceptance of his nomination. He will find in the first Annual Message of the President how those whom James Buchanan called his friends, and to whom he pledged all his sympathy, were denounced for all the crimes in the calendar when speaking of the very same acts for which he had before professed sympathy. Bear in mind still, gentlemen, that I ask no man's opinions with reference to those matters occurring in that part of the world outside of the United States: but take the case as it stands upon the records, and how does it affect the President? In the month of June, '56, the President of the U. States pledged his sympathy with those persons, and in the month of December in the following year after his election, and after receiving the votes of all their friends, he denounces these men for the very same acts for which he had declared his sympathy. FALSEHOOD is no light matter in the humblest individual. In the Decalogue few crimes are greater than LYING. I apply no epithets in speaking of such matters. The facts rehearse their own character and that of their authors. I ask you how you would have regarded the transaction if you had been served in this way by an individual of your acquaintance? If in the month of June, 1856, your neighbor had made you a promise for a considerable sum, and after he had obtained what he had desired, had refused to prform his promise and had seized the first opportunity to denounce you as the greatest villain unhung?—Gentlemen, this story is a long one, and I shall endeavor, if I do not exhaust your patience, to go through with it. I do not want to dwell long on any particular part. ["Go on!"] Now, I will call your attention to the condition of the whole continent of North America south of our southern boundary. Through twenty degrees of latitude on this continent, under every government, in every State, almost in every city, you will find that Americans have been murdered, robbed, or imprisoned. [Sensation.]

I make no rash assertions, because in the very messages of the President himself you will find this thing admitted. What I have to say, gentlemen, is that not one effort has been made to avenge or to secure redress for any of this multitude of wrongs. Every drop of American blood there spilled—every American who was bound down there in chains is still, to this moment unavenged. *Is that a Government?* Call you that an Administration which will quietly and deliberately sit by, admitting that it is not safe for a citizen of our Government to put his foot beyond his own door, not into the very next country; virtually declaring that, whatever may happen to him there of evil, no one advance shall be made for prevention or redress? Call you that a Government? Gentlemen, worse and worse. The President of the United States has, in the most formal manner, abdicated one-half the powers of the government. By the Constitution of the United States, he is given command in chief of the army and navy. "Commander-in-chief of the Army and Navy" is no idle phrase. The meaning of it is that no American shall suffer wrong, no American shall be murdered, robbed or imprisoned where the army or navy can reach but what he shall be delivered or avenged. [Great applause.] Mark you the distinction—that is not war. War is one thing, and that is another. In time of war the whole force of one country is directed against all the other country, everywhere, and under all circumstances. But I speak of applying the force of the government directly to the case in point. If, in a certain point, an American is imprisoned, discovered to be in irons, in a manner contrary to the habits and usages of civilized countries, it is the duty of the Commander-in-chief of the Army and Navy, by the strong hand, to take him out. War is quite a different thing, for in war you have to employ the army and navy everywhere else, at every other point, even where no such persons have been imprisoned. I say that the President abdicated this great and most important power when he went to Congress to give him the right to use that power over which he already had control. Congress could not add to his constitutional power, and ought not so to do; but he found, in this step, an escape from his plain duty under the letter of the Constitution itself. This escape he found by the abdication of one-half the powers of the government. Gentlemen, worse than that; for not only have these wrongs been unavenged in any single instance, not only has there been a formal surrender of the power to avenge them, but actually, in a great majority of cases, the President has never so much as raised a complaint concerning these atrocities. Let me call your attention, now, gentlemen, to an event, which, more than any other which has happened since the settlement of the Pacific coast, is calculated to stir the blood and shock the sensibilities of every man, of every American citizen—above all, of every Californian.

It is not very long since, from the midst of us, there went forth a band of as noble young men as ever departed for any object in the course of history. We do not precisely know what these men went out for. Perhaps I myself know as much, personally, of them and their mission as any other man. From all that can be learned I suppose that it is pretty well determined that these young men were invited into a neighboring State of Mexico by a revolutionary party, to

give aid in the establishment of the policy of that party, to wit: To take part in some of the *pronunciamientos* and revolutions which constitute the ordinary politics of that country. Upon that invitation, reduced to writing on paper, this party was induced to enter the State of Mexico, with Henry A. Crabb at their head. Do you not remember them? Has any man here forgotten Henry A. Crabb? [Applause and hisses.] Have you forgotten any of those who went with him? Out of the very flower of the Whig party of this State went these men. They were mainly from the Whig party. Trusted they were, everywhere, in all kinds of difficult positions. And amongst the noblest, bravest and most trustworthy of all public or private men was Henry A. Crabb, a man who would have done honor to any position; a man whom any people might have delighted to honor; a man in whose keeping the powers of this Government would have been safely lodged, and its honor guarded as a great treasure; a man who was fit and capable to occupy a seat in the council chambers of the nation as a peer of the best; who would have adorned by his genius any Senate at any period of our history; that man, I say, was tempted from our midst and slaughtered, *slnughtered*, SLAUGHTERED, most inhumanly. And the blood of his companions was spilt with his, and with the same terrible ignominy. All this was done, and where do we hear one word even of remonstrance from this President? Where is the inquiry, addressed in any form, to the Government of Mexico, State or Central? Where is there any movement about it in our Government, Executive or Legislative? Total, total indifference! What shall we say of such a President as this? O, is the blood of our flesh and blood, the very noblest of our blood, to be shed thus unnoted, unavenged? Are those we most loved, most prized amongst all our brethren, whom we had most delighted to place in places of distinction, before the public gaze, are they to disappear, are they to be butchered by savages, and not one word of inquiry to come from our Government? [Sensation.] Is that a Government? Are we a people? What are we, that you appeal to us and ask us to support a man with all these sins of omission and commission upon his head? Now here, upon this subject, gentlemen, do I desire to render public thanks to one public man, who at least has raised his voice in condemnation of the President for entirely overlooking this fact. Gentlemen, that man is David C. Broderick. [Tremendous applause and cheering, lasting nearly two minutes.] Mr. Crabb, bear in mind, never was a personal or political friend of Mr. Broderick. On the contrary, he stood in his way and baulked his ambition. I myself have never, in any manner, lent a hand to Mr. Broderick to rise one step in the ladder of his ambition. I can claim nothing on that score. I speak not from any partiality, but I say, let any man say what he will against Mr. Broderick, let him bring what charges he can against Mr. Broderick, aye, and prove them, too, he was the first man who raised his voice in favor of avenging the foul murder of a man for whom my grief flows deepest and for whom my sorrow is most acute. [Great applause.] Are we not men? Is this thing of civil society and government but a game? Are there no human feelings, no great interests at stake in this matter? And of these all, what so precious as the blood of our people? [Sensation.] Shall we, then, for any conceivable argument of party convenience or expediency, give our countenance to a man who holding the reins of power, yet has betrayed us by leaving us under these grievous wrongs without a remedy—without the consolation of a notice. But, gentlemen, let us go on. Let us try and see the end of this dark, dark story. About the time that this party was slaughtered on Mexican soil, four American citizens, whose names I will give you, were murdered by the same band upon American soil. This occurred at a place called Sonoita, just across the boundary line—just on the American side. After these fiends had butchered our friends at this dreadful place, Cavorca, they crossed over to the other side of the line, and, in the night time, took out these men, who were lying ill in their beds, and, placing them against a bank, shot them. It was a devilish deed. Have you ever read that this foul murder of Harrison, Long, Bunker and Parker, upon American soil, was ever avenged, or that even an attempt at redress was ever made? Remember, gentlemen, if you please, the names: Harrison, Bunker, Parker, Long. And the witness who saw them shot is now in town to testify to the facts. He was employed there as clerk in the store of Dunbar. He was marched out of the house from which these men were taken to be shot, and carried into Mexican territory, and there detained for ten months, with no assigned cause for his imprisonment. He had never heard even of this expedition in which Mr. Crabb and his companions fell, until a short time before they passed through Sonoita. These desperadoes kept him until they got tired of him, and then they sent him away. And that man is here; that man is ready to swear to these facts. The line had been run by the American Commission and recognized by both Governments. Ths fact has been indisputably established that these men were murdered upon American soil; and it is also true that no complaint has been uttered concerning it by our Government, much less any satisfaction ever demanded therefor. Gentlemen, I, as every other Californian, believe that one good thing has been procured, so far as we are concerced, since this Administration has gone into power and that is the OVERLAND MAILS. Doubtless that good thing has been done. Let us not deny that. And in the last Annual Message of the President you hear him recommending that portions of the army of the United States be stationed along at different points, for the purpose, as he declares, of affording protection to the horses and mules and entire stock of the Stage Company. According to his recommendation, some of these soldiers might be stationed right on the very spot where these Americans were murdered. Within, at least, a few miles of the place where Harrison, Bunker, Parker and Long were murdered, on American soil, our troops would

be placed, not to avenge their horrid deaths, but to protect mules and stage horses. [Sensation and laughter.] Gentlemen, as we come north, we find our way to the Mountain Meadows. Here, on a certain day, in the fall of the year '57, were murdered one hundred and twenty or one hundred and thirty men, women and children—American citizens. Have you ever heard any inquiry into that affair? What has the Pres't done to ferret out and convict, much less to punish, those who committed that enormous crime? He sent an officer into that country—a Judge—who is accused of straining, and who perhaps did strain his powers to obtain information and a conviction; and I hope to God he did strain a point, as I think any good man would have done, if he thought it necessary, in such a case. [Great applause.] He undertook to inquire into this business. He met with complete proof of the fact that as many as eighty of the Mormons in that valley, disguised as Indians, were engaged in the murder of this immigrant train, doubtless for the purpose of avenging the killing of a lecherous old wretch by the name of Parley Pratt, who was killed by a citizen of Arkansas. As many as eighty Mormons were engaged in this massacre, according to the record furnished by Judge Cradlebaugh. Of course there was great resistance and opposition made by this people to the prosecution of any of these inquiries, and when the matter is heard of at Washington, the President *just does not* remove Judge Cradlebaugh. The President caused a letter to be written to him, informing him that he had violated, transcended his powers in the premises, but not suggesting anything to enable him to carry out the great and noble idea of bringing the guilty in this fearful crime to punishment. Who is this man? What imbecility, what carelessness, what want of common humanity towards the people of the United States does this conduct indicate! Now, two years nearly have passed away. There, at Mountain Meadows lie bleaching the skulls, the arms, the ribs, the thighs, the skeletons of our people. O, horrid sight! Sixteen or seventeen of the youngest children, spared from that band, are gathered together, but even their names are lost. It is not known even of whom they were born. They are now thrown upon the charge of the Government itself; that is, if we had a Government. Yet all this terrible enormity is passed entirely by, and we hear of nothing, nothing, except some common, low, vile, paltry, partisan squabble in the newspapers. Perhaps a Postmaster is turned out of office, or another man is appointed to the office of Collector, and all because the old incumbents dared, on the impulse of the moment, and in the righteous indignation of their souls, to express a just criticism upon some act of this Administration, or because the successors are the friends of this or that man, and are believed to posssess a larger influence which they can command for the subserviency of the President. Call you that a PRESIDENT? Is that a GOVERNMENT? My God! my God! And is it possible there is any sane man living who dares to insult an intelligent and free people by asking them to sustain for an instant such a man as this? [Sensation.] I say it requires not many more such Administrations—such Presidents—to bring about the dismemberment of this great Confederacy, this mighty Union, much surer than the fury of partisan heat. Let the government of the people of these United States become thoroughly imbecile and worthless, even as this Administration is rendering it, and it will fall to pieces of itself, without the necessity of applying force in any quarter. [Applause.] Doubtless, more on this account than on any other—more on account of the imbecility, the indolence and base inhumanity of the Administration than on any other account, do we meet well-informed men, in the private walks of life, who think that this Government is a failure. And it is a logical conclusion; for it this is our Government, in the name of God let it fall and be wiped from the face of the earth. [Great applause.] What we want the most of a Government is PROTECTION TO LIFE. It must secure, first and always, the safety of persons, guarantee individual liberty to every American citizen, and when that fails all else is worthless. [Prolonged applause.]

Gentlemen, as we approach to the end of the list of the prominent acts of this Administration we are again called to consider another of its "triumphs." [Laughter.] We are told in the resolutions passed by the late Administration Convention of this State, that this Administration of James Buchanan deserves great gratitude for having suppressed the Utah rebellion. "Suppressed!" In the name of mercy! when and how? An army, costing in its outfit and continued supplies as many or more millions than the Paraguay Expedition, was marched out in the wilderness, and a Commissioner corresponding in character with Mr. Bowlin was dispatched in advance to ask and receive only an apology from Brigham Young. President Brigham said he would sin no more, and President Buchanan agreed to say nothing further of the past.

Is that "SUPPRESSION?" According to the President's own statement, Brigham Young had committed treason. Now I ask you what right had this President to pardon treason? Upon what sort of apology can he choose to overlook treason for the sake of peace? Upon the same authority he may pardon all other criminals for their past iniquities, for the sake of relieving the police of the trouble of catching them and the courts of the trouble of sentencing and hanging them. [Laughter and applause.] Surely this is a mighty "triumph;" over $4,000,000 expended; 3000 troops marched to Salt Lake with great parade; a United States Commissioner dispatched to anticipate all fighting; Brigham Young is treated with the utmost consideration, though acknowledged guilty of the crime of treason; his simple cry for pardon is accepted as full satisfaction for his iniquities, and now, saved from many cares of state, rejoicing in all his polygamous glory, he is as happy and as influential as ever. [Great laughter and applause.] Now, gentlemen, will any man, when he finds that this Government avenges no wrongs or gives no protection, whether murders are committed on citizens in foreign lands or within our own bounds, whether by the individual victim or by the score, and all these things are passed over with the most careless indifference, I ask if any man can reasonably say that he was astonished that the President and the Administration showed so little concern at the danger of naturalized citizens being pressed into service by European nations? It would have been a miracle had it been otherwise. No such thing as a direct, bold manly course on this subject could have been expected from this Pres-

ident. After all the vacillation and cowardice heretofore exhibited by this Administration, what else could have been expected? Fellow-citizens, according to the telegraphic dispatch, it would seem that the Administration had got frightened at the stand it had taken and was inclined to take the back track. [Laughter.] But telegraphic dispatches are not always reliable; better wait and see all that is at the foundation of the rumor before we place any confidence in it There is something in favor of the report at the outset; however, as it is said that the naturalized citizen, in behalf of whom the power of the Government is to be exercised, originally came from and was arrested in Hanover. Now, Hanover is the very smallest kind of a country [laughter], and if there is any country in the world with which this Administration would be inclined to hazard an experiment, little Hanover would suit the best. Gentlemen, next to God Almighty, upon this earth, the chief visible power is that of the organized People, State or Nation. Next to the duty we owe to God is the duty we owe to our State; a corelative duty the State owes to the citizen—protection in all his rights. We hold in the United States that citizens may be made in two ways; they may be born citizens, or made citizens by a process established and regulated by our laws. Under this process those that are naturalized are but citizens. There is nothing in our laws, nor in the laws of any country, which discriminates and says that the word "citizen" means one thing in reference to one person, and another thing in reference to another person.

Now I say that, as the highest duty which a man can owe, next to his duty to God, is his duty to his country; so the highest duty which the country can owe comes back again to the citizen, who lives and labors in her service. "*Naturalization*" is a more euphonious word than "*Nativeizing.*" The foreigner who is naturalized under our law is made natural, made *native*, and in all things comes upon the same footing with a born citizen. I asked a friend this morning, whose business it is to administer this process of naturalization, to give me the oath that the naturalized citizen had to swear. I have here a copy of the oath, and I will read it, though I doubt not but that nearly every man who is listening to me now has read it. The applicant is brought forward; he proves that he has been five years in the United States, and one year in the State of California—a man of good moral character, and attached to the principles of the Constitution All this is sworn to, by accompanying witnesses, before a Court of Justice. That being done, these United States require of him to take this oath: "You do solemnly swear that you will support the Constitution of the United States; that you do entirely renounce and abjure all allegiance, and fidelity to every foreign Prince, Potentiate, State and Sovereignty whatever, and particularly to ——— of whom you have heretofore been a subject. *So help you God.*" Does this mean anything or nothing—that he adjures all allegiance and fidelity to any foreign prince, etc.? When he swore allegiance to the United States of America, did he straightway become bound in allegiance to the United States of America? That is all that is in the question. Can we undertake to place a man in a position like that, to require of him the best service of his brain and his muscle, and the sacrifice of his life at all times, everywhere and upon all emergencies, even to serve, as is required of us, who were born upon this soil, yet say: "But if you should happen to get within the reach of the only power or person on the face of the earth by whom there is the least probability of your being molested, then, *in that case, it all means nothing*, and the arresting Government may do as it pleases with you." If we would not be a nation of dastards, we are bound to protect this man, just as if he was born amongst us. Gentlemen, we borrow this process of naturalization, as we borrow nearly everything else, out of the English law. We find in the English law books, as old as two hundred years, that naturalization cannot be upon conditions, nor cannot be qualified in a degree, but that it must be complete, absolute and perfect. By referring to these law books you will find in the appropriate phrases, in the language of that time, a clear and distinct announcement of this proposition. But it will be said that on certain times and occasions, some of the best of our Secretaries of State and Presidents have suffered citizens of the United States to be pressed into military service in European countries. It matters not what was done contrary to law and for expediency sake in the early days of our Republic. If such omissions occurred, they were permitted against avowed principles and for evasion's sake. Such a course might have been pursued from motives of prudence and to evade an assertion of a plain duty. The best of men may err, and in those times, perhaps, when such a thing was of most unlikely occurrence, it was deemed by some of our cautious rulers that it was better to allow a rare and isolated instance to pass by. But now the case has assumed altogether different proportions. Peace, in a great measure, has departed, or is on the eve of departing from the whole civilized world. We find the flames of war lighting up the valleys, and threatening battles and carnage unknown since the year 1815. All Europe is armed. Every nation is in want of soldiers. Now it is time that this thing, which has been allowed to sleep unnoticed, remain undisturbed, as of not sufficient importance to be noticed in times past, requires to be met in the face and our duties in regard to it boldly and explicitly announced and performed; the issue is whether we will consent tamely to have our naturalized citizens driven about, or hedged up, or shut within our own boundaries, or whether they shall all have perfect liberty to go wherever civilized man may venture upon the face of the earth. [Great applause.] I am not astonished, I confess, at the telegraphic dispatch to the effect that the Administration is coming around to this doctrine. You would naturally have considered that two strongly written letters would have done something towards committing an Administration of ordinary ability and firmness to a particular line of policy, but we have all arrived at the conviction that in matters where prevarication and double dealing is possible, this Administration is a splendid exception.

We must consider that this latest intelligence amounts simply to a declaration that the Administration have yielded to the present pressure, and that it promises no real consistent action worthy of the name. It is another of those Chinese dodges, intended to operate at home very powerfully, while there is no serious purpose of insisting upon it abroad. Gentlemen, what are we to do practically about this matter? I do not know of anything better than the course prescribed for the President by the Congress of the United States during the war of 1812. At that time a portion of our troops crossed over into the British territory of Canada, met with a disaster, and General Winfield Scott with some hundred others were taken prisoners. Among the number of captives was a certain number of Irish-American citizens, soldiers in the ranks. They were taken with arms in their hands fighting against the sovereign in whose kingdom they were born—taken upon his own soil. Straightway the British officers parceled off the sons of Erin, put them on board of a ship for the purpose of sending them to be tried and doubtless executed for treason. General Scott told the British officer, in whose hands he was at that moment a prisoner, that the thing they contemplated could not be done with impunity, that the Government of the United States would retaliate, and that for every life of one of those rebellious Irishmen, taken in the act of "treason" against the English Government, one would be required from among the number of British prisoners in the hands of the Americans. [Great applause and hisses.] General Scott subsequently represented the matter at Washington, and a law was passed on that subject, which I will read to you:

"*An Act Vesting in the President of the United States the Power of Retaliation:*

"SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That in all and every case wherein, during the present war between the United States of America and the United Kingdom of Great Britain and Ireland, any violations of the laws and usages of war among civilized nations shall be or have been done and perpetrated by those acting under authority of the British Government, on any of the citizens of the United States, or persons in the land or naval service of the United States, the President of the United States is hereby authorised to cause full and ample retaliation to be made, according to the laws and usages of war among civilized nations, for all and every such violation as aforesaid.

"SEC. 2. And be it further enacted, That in all cases where any outrage, or act of cruelty or barbarity shall be or has been practiced by any Indian or Indians in alliance with the British Government, or in connection with those acting under the authority of the said Government, on citizens of the United States, or those under its protection, the President of the United States

is hereby authorized to cause full and ample retaliation to be done and executed on such British subjects, soldiers, seamen, or marines, or Indians, in alliance or connection with Great Britain, being prisoners of war, as if the same outrage, or act of cruelty or barbarity had been done under the authority of the British Government.

"Approved March 3, 1813"

Now, General Scott was charged with the execution of this law; it was his duty to see that this retaliation was duly executed. He parceled off just exactly the same number of British prisoners in his hands as they had naturalized Irish-Americans, and then he sent a communication to the British authorities, that for every Irish-American citizen who suffered, one of these British prisoners should be hung also. [Great applause and a few hisses.] I say, that's the way. If we are not a nation of dastards—if we are not a grand conglomerate of cowards, then, I say, whether war or peace, we have here a rule—a natural rule—to apply to such a case. [Applause.] I will not stop to argue upon sentences out of books—quoting a passage here and there to make an argument, as though I was before a Court. I will leave it to your judgment and natural sense of justice and manhood whether you are not ready to stand up and insist upon the rights of naturalized citizens, as well as the rights of citizens born upon our soil. [Applause.] Will it bring war? Let war come. [Prolonged applause.] Who will be the first man to say, I will shrink from this danger rather than undertake to redress or prevent such a wrong as this? You could not find any respectable citizen of that temper. Go through the populous portions of the State, and put the question: Are you willing now, from fear of balls, or from fear of all the dangers of war, are you willing to submit that A or B should be deprived of liberty and shoved into the ranks of a foreign army? You cannot find the man base enough to answer that question affirmatively. There is no man among us so lost to shame as to submit to the degrading concession which this nerveless, boneless, bloodless Administration has made. Let us then make short work of it. Let us have a law of retaliation in their very face. Let it be made known to the proper authorities in France, England, Germany, and Austria, that for any one of our adopted citizens, born on their soil, who may be forced into the ranks of their armies, we will select one of the best of their unnaturalized subjects in this country, and set him to cracking stones or making bricks in the Penitentiary. [Great applause and great laughter, and cries of "Good! "That's the practice!"] Under these circumstances you may be sure that there will be very short work made of diplomacy. Not one of these countries which I have named is going to run the risk of beginning a quarrel with us.

I do not pretend to say that the power of your country is superior to that of any other; but what advantage compared with the disadvantage, would it be for England or any of the Nations on the Continent to inaugurate a series of reprisals such as I have anticipated, even if it did not lead to direct war? They would not do it. To silence their whole wrath it only requires, on our part, a firm hand and a proper government.

And now, gentlemen, in all these things of which I have spoken to you to-night, California, more than any other part of the United States, is deeply interested. We delight here to dwell upon the favors which nature has bestowed upon our country. We delight to speak of her climate, her soil, her minerals, her wealth of Beauty—to say that California is a jewel set in the ring of the temperate zone. But, gentlemen, there are other things which should receive attentive consideration from our hands. From California went those men whose blood was murderously shed on the Plains of Cavorca, sinking unavenged in the soil of Mexico. Mostly from California went these men who were imprisoned through twenty degrees of latitude. Our people from one cause and another are exceedingly prone to roam, and venturing abroad, they have met with wrongs and indignities of the nature described. It was to California that these immigrants were coming whose bones now lie bleaching at Mountain Meadows. If, then, there is any part of the United States which can endure an Administration of this kind, which can stand by and approve its conduct, it is not California.—[Great applause.] What may be a light blow to other communities comes home to our very hearts. It may be a matter of indifference to others, comparatively speaking, that the President of the United States should abdicate all the great powers of the Government essential for the protection of American citizens, but it is no trifle to us, because we are in a position more insulated that an island, more distant, more difficult of approach. And if we are to belong to the American Confederacy, it is only by getting and keeping the powers of the government into hands which have the nerve, courage and intelligence to use them all on every proper occasion. [Applause.] If we have no government; if the "Commander-in-Chief of the Army and Navy" means nothing, it is an invitation to any one that wants us to come and take us. You will remember that the whole population of the State of California is not more than that of a third or fourth rate European city. In these days they raise armies by the millions, they have great ships-of-war by the hundreds, and if any one is tempted by the weak, vacillating, timid course of our Government to make an attack upon us, here is the precious point to strike. The only hope for us is in not giving undue power to the Federal Goverument, but in placing the powers which are now legitimately connected with it in the hands of men who will use them bravely and discreetly; use them to keep danger from our doors; use them, if we are attacked, to drive our assailants home again. [Great applause.]

Gentlemen, what good will come from all this party strife which we witness among the States on the Eastern board? We have no slaves, and never shall have any. No man thinks of introducing slaves anywhere into the State of California. The neighboring State of Oregon won't even let free negroes come within her borders. [Laughter.] We are entirely cut off. We have our own great interests upon the Pacific coast. First of all is HARMONY through the great body of this Union, and therefore I say that in California we do not want laws passed for slavery or against slavery, or any kind of slave laws. All we want is never to hear of slaves. Slavery is a matter of no concern to us. Let us use the little influence we have in keeping other people steady and sober, so as to allow the Union to flourish and grow strong, in order that we may enjoy its protection. To whatever quarter we run a line of extension, and make new States of free white American populations, we strengthen California. Is there any man amongst us — is there any one man who objects to the introduction of five or six slave states, or five or six states which are free states, or both together? All the neighbors that we can get, all the states which can be brought together on the Pacific Coast, will have a common interest, and tend to the protection of ourselves, out-lying this day, on this distant border. Let us not be drawn into other peoples' quarrels; let us not begin taking our opinions from dictation from any source in the east; let us not be bribed by Federal money; let us not be deceived by arguments which have no application to us; let us use what influence we have to keep peace among our fellow-countrymen; to prevent State from coming into collision with State, and if possible, to have that past cordiality again restored, which alone can keep California permanently under our flag. (Great and prolonged applause).

Gentlemen, in one more light is it our pleasure to contemplate California. I spoke of her as a jewel, as an island. I now speak of her as a promontory of civilization, thrust forward amid the heathen and uncivilized wastes of this Pacific world. Around us are perishing races and crumbling governments. Our policy, our laws, should impress, remodel, and control this mighty mass. Our horizon is studded with the eager eyes of dusky millions, who look to us for their fate, whether for good or for evil; whether by a peaceful influence; whether by conquest and to their destruction. How our part is to be performed, is among the great questions of futurity, but its issues are in our hands, if we are true to ourselves. (Applause). Just as the thirteen colonies lay along the Eastern beard, with the waters of the Atlantic on the one side, and the wilderness on the other; so lie we along this western slope, with a greater ocean on the one hand, and an equal wilderness on the other. As they were then. so now are we; not the rivals of great commonwealths, who in ages have grown to wealth and power, but yet, in the struggling and constructive era, to be built up. We need more enterprise, more effective force, more fruitful labor; and all this to be shielded with the strong hand of a wise and sympathising Government.

Gentlemen, I have but one more remark to make, and that is: In the light which I have viewed these questions I have spoken to you more as American

citizens than as politicians, and therefore I say to Democrats, to Republicans, to Whigs if there be any, to Know Nothings, or whatever may be the prevailing party amongst our fellow-citizens of whatever understanding they may be, whether in the ranks of a great party, whether in a secret society, so cast your votes now, according to your consciences, that, whatever else may follow, you will not bring to view again such a President and such an Administration.

At the close of Mr. Randolph's remarks he was greeted with tumultuous applause and cheering.

Loud cries were made for Mr. Broderick.

Mr. POULTERER announced that it had been expected that Mr. Broderick would address the meeting, but he found it impossible to be present.

The meeting broke up at 11 o'clock.

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CONFISCATION OF REBEL PROPERTY.

SPEECH

OF

[Aaron Augustus Sargent]

HON. A. A. SARGENT,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES, MAY 23, 1862.

The House having under consideration the bills to confiscate the property and free from servitude the slaves of rebels —

Mr. SARGENT said:

MR. SPEAKER: I intend to vote for the measures under consideration. I shall do so for two reasons: first, because I believe them to be right; and second, because I believe them to be expedient. I believe them to be right in that I conceive we have full power and jurisdiction under the Constitution to pass such measures; and I believe them to be expedient because sound policy requires us to strike harder blows at this rebellion than any that have heretofore been given, if we expect a prosperous issue to this war.

The debate upon these measures has been long and able, and little of reason or authority is left ungleaned upon either side of the question. I content myself with assigning the reasons which influence the votes I shall give upon, perhaps, the most important subjects of the session. This Congress is called upon to grapple with issues of such momentous character — issues not of our own seeking, but forced upon us by the exigencies of the day — that the wisest may well doubt his own judgment, and hesitate to cast a vote which may be fraught with fearful consequences to the present and future. Upon one hand, as the flames of a fanatic rebellion are spreading devastation over the land, the great necessity is apparent for Congress to devise means by which its consuming fires may be quenched, and an example be made of traitors that shall forever stand as a warning to coming ages. On the other, arises the question, whether our efforts to check the rebellion by threatened confiscation or punishment may not add to the intensity of the hatred now felt towards the Constitution and Union by the rebels in arms, or bring them new allies in the border States.

I think it will be found from the course this discussion has taken that those who doubt the power of Congress to act in the premises are also those who have the greatest fear of exasperating the South. It seems to me, sir, that such gentlemen

take counsel principally of their timidity. Upon what other principle do they continually urge that a confiscation act directed against the men who are now engaged in malignant warfare against us will tend to foster rebellion? We propose no confiscation of the property of loyal men. We level not our thunders against the victims of secession rage who now fill southern prisons, or are hunted through the mountains like wild beasts by their former neighbors and friends. It is against the authors of these atrocities, whose hearts are filled with bitter hate against all who cling to the Union of the fathers, who have violated every law, human and divine, and now revel in a saturnalia of blood, that we aim our laws of confiscation and reprisal. Think you, sir, that we can add to their fiendish hate; that their ingenuity can invent any new outrages against law or life? Think you, sir, that that spirit of secession, which has been characterized by one of their victims, himself a southern man, (Mr. Brownlow), as "the spirit of murder and assassination—the spirit of hell," can be rendered more diabolical by any agency of ours? The climax was long since reached. These bitter fruits of secession ripened early in the rebellion. The rebels long ago credited this Government with a design to subjugate and crush them, to free their slaves, and confiscate their property. For a year of almost pusillanimous patience we have witnessed their outrages against even the laws of war. We have oftener displayed the olive branch than the sword. We have proffered peace without penalty by every means by which we could get access to the southern ear. By presidential messages, by corrospondence with foreign nations published to the world, by resolutions and declarations of Congress, by the public press, we have vainly offered to them immunity in their constitutional rights, and endeavored to induce them to resume their place and power in the Union. We have tenderly nursed their sick and wounded, we have extorted their acknowledgment of the excellent conduct of our troops in their conquered cities, we have not laid hand upon even their peculiar institution in the regions traversed by our armies. When southern property has been committed to the flames it has been by southern hands; when a party of helpless women and children was fired upon for expressions of delight upon the display of a flag at New Orleans, it was by southern soldiers. We have even set guards over the property of secessionists who were at the time in open rebellion, to prevent its spoliation. Never was a war so humanely conducted before as it has been by this Administration, never was forbearance so long, never mercy so great.

I ask gentlemen, what has been the fruit of this policy? Have we witnessed any cessation of the efforts of the rebels? Have we succeeded in bringing them to a more Christian frame of mind? Are they not to-day as fiercely hostile as ever? Nay, sir, has not our policy been injurious to our cause? Will it be denied that it is to-day safer to be a rebel in any one of the seceded States than to be a Unionist, whatever the result of the war as it is at present conducted? With ruthless and unsparing hand the confederate government confiscates or destroys the property of Union men, while the rebel has no reason to fear by any action we have yet taken that he will be injured in person or property if the rebellion is put down. Thus, by our hesitation to pass a bill of this character, we allow a state of things to continue which necessarily gives to the rebellion all that stimulus which springs from a love of property and personal safety.

To those gentlemen who fear that a vote of Congress may tend to exasperate the rebels, I commend the report recently made by the joint committee upon the conduct of the war, in regard to the barbarities committed by those rebels at the very commencement of the war. This committee, in obedience to a resolution of the Senate, have collected evidence concerning the treatment by the rebels at Manassas, of the remains of officers and soldiers of the United States killed in battle there, and in the

progress of their investigations have developed facts showing a barbarism and cruelty towards wounded and other prisoners that evince in the strongest light the great necessity of refraining from any act on our part that will tend to exasperate rebels! How great a misfortune it would be if by confiscation or any other law we should diminish the love these traitors have for us! Here is the manner in which these mild-mannered, not-to-be-exasperated rebels, followed up the first considerable battle, as shown by the report to which I allude:

"Dr. J. M. Homiston, surgeon of the Fourteenth New York or Brooklyn Regiment, captured at Bull Run, testifies that when he solicited permission to remain on the field, and to attend to wounded men, some of whom were in a helpless and painful condition and suffering for water, he was brutally refused. They offered him neither water nor anything in the shape of food. He and his companions stood in the streets of Manassas, surrounded by a threatening and boisterous crowd, and were afterwards thrust into an old building, and left, without sustenance or covering, to sleep on the bare floor. It was only when faint and exhausted, in response to their earnest petitions, they having been without food for twenty-four hours, that some cold bacon was grudgingly given to them. When, at last, they were permitted to go to the relief of our wounded, the secession surgeon would not allow them to perform operations, but intrusted the wounded to his young assistants, 'some of them with no more knowledge of what they attempted to do than an apothecary's clerk.' And further, 'that these inexperienced surgeons performed operations upon our men in a most horrible manner; some of them were absolutely frightful.' 'When,' he adds, 'I asked Dr. Darby to allow me to amputate the leg of Corporal Prescott, of our regiment, and said that the man must die if it were not done, he told me that I should be allowed to do it.' While Dr. Homiston was waiting, he says a secessionist came through the room and said, 'they are operating upon one of the Yankee's legs up stairs.' 'I went up, and found that they had cut off Prescott's leg. The assistants were pulling on the flesh at each side, trying to get flap enough to cover the bone. They had sawed off the bone without leaving any of the flesh to form the flaps to cover it; and with all the force they could use, they could not get flap enough to cover the bone. They were then obliged to saw off about an inch more of the bone, and even then, when they came to put in the sutures (the stitches), they could not approximate the edges within less than an inch and a half of each other; of course, as soon as there was any swelling, the stitches tore out and the bone struck through again. Dr. Swalm tried afterwards to remedy it by performing another operation, but Prescott had become so debilitated that he did not survive.' Corporal Prescott was a young man of high position, and had received a very liberal education.

"The same witness describes the sufferings of the wounded after the battle as inconceivably horrible; with bad food, no covering, no water. They were lying upon the floor as thickly as they could be laid. 'There was not a particle of light in the house to enable us to move among them.' Deaf to all his appeals, they continued to refuse water to these suffering men, and he was only enabled to procure it by setting cups under the eaves to catch the rain that was falling, and in this way he spent the night, catching the water and conveying it to the wounded to drink. As there was no light, he was obliged to crawl on his hands and knees to avoid stepping on their wounded limbs; and, he adds, 'it is not a wonder that next morning we found that several had died during the night.' The young surgeons, who seemed to delight in hacking and butchering these brave defenders of our country's flag, were not, it would seem, permitted to perform any operations upon the rebel wounded. 'Some of our wounded,' says this witness, 'were left lying upon the battle field until Tuesday night and Wednesday morning. When brought in, their wounds were completely alive with larvæ, deposited there by the flies, having laid out through all the rain storm of Monday and the hot, sultry sunshine of Tuesday.' The dead laid upon the field unburied for five days; and this included men, not only of his own, the Fourteenth Regiment, but of other regiments. This witness testifies that the rebel dead were carried off and interred decently. In answer to a question whether the confederates themselves were not also destitute of medicine, he replied, 'they could not have been, for they took all ours, even to our surgical instruments. He received none of the attention from the surgeons on the other side, 'which,' to use his own language, 'I should have shown to them had our position been reversed.'"

Horrible as is this picture, much of its repulsiveness may be shaded away by the supposition that the hurry and tumult following a battle may have prevented ade-

quate attention to our wounded, although many circumstances cannot thus be excused; while our practice has ever been, as is that of all civilized nations, to make no discrimination between friend and foe in dealing with the wounded or sick. But what excuse can be offered for such atrocities as the following, on of many recorded in the report?

"The case of Dr. Ferguson, of one of the New York regiments, is mentioned by Dr. Swalm. 'When getting into his ambulance to look after his own wounded, he was fired upon by the rebels. When he told them who he was, they said they would take a parting shot at him, which they did, wounding him in the leg. He had his boots on, and his spurs on his boots, and as they drove along his spurs would catch in the tail board of the ambulance, causing him to shriek with agony.' An officer rode up, and, placing his pistol to his head, threatened to shoot him if he continued to scream. This was on Sunday, the day of the battle."

When it is considered that Dr. Ferguson was a non-belligerent, that he was in discharge of professional and humane duties when he was wantonly shot, the temper of the rebels needs little other commentary. That this was not a solitary case, but that our soldiers, while defenseless and in prison, were shot in cold blood, is shown by the testimony of the gallant General Ricketts. He was himself taken prisoner and confined in Richmond, and testified that a number of our men were shot by the sentries:

"In one instance, two were shot; one was killed, and the other wounded, by a man who rested his gun on the window sill while he capped it."

The bayoneting of prisoners seems to have been a favorite amusement. General Ricketts said, before the committee:

"I heard of a great many of our prisoners who had been bayoneted and shot. I saw three of them — two that had been bayoneted and one of them shot. One was named Louis Francis, of the New York Fourteenth. He had received fourteen bayonet wounds — one through his privates — and he had one wound very like mine, on the knee, in consequence of which his leg was amputated after twelve weeks had passed; and I would state here that in regard to his case, when it was determined to amputate his leg, I heard Dr. Peachy, the rebel surgeon, remark to one of his young assistants, 'I won't be greedy; you may do it;' and the young man did it. I saw a number in my room, many of whom had been badly amputated. The flaps over the stump were drawn too tight, and some of the bones protruded. A man by the name of Prescott (the same referred to in the testimony of surgeon Homiston) was amputated twice, and was then, I think, moved to Richmond before the taps were healed. Prescott died under this treatment. I heard a rebel doctor on the steps below my room say, 'that he wished he could take out the hearts of the d—d Yankees as easily as he could take off their legs.'"

Louis Francis, himself, testified before the committee. He bore the marks on his person of terrible wounds and maltreatment, and had lost a leg. He was a private in the New York Fourteenth Regiment. He says:

"I was attacked by two rebel soldiers, and wounded in the right knee with the bayonet. As I lay on the sod, they kept bayonetting me until I received fourteen wounds."

In all ages, respect for the dead has been held to be a necessary virtue in a brave and generous character. To inflict outrage upon a slain enemy, even, has heretofore been confined to dark corners of the earth. Such practices are too vile and mean to be tolerated in the light of civilization. Hence the fiendish spirit of the rebel leaders is painfully apparent in their treatment of our heroic dead. They were stripped naked, and left for days unburied. Many were buried in trenches, face downward, as a mark of indignity. Some were boiled to get the bones for trophies, and heads cut off that the skulls might be kept for drinking cups. Many human bones were found scattered through the rebel huts, sawed into rings. The report says:

"Daniel Bixby, Jr., of Washington, testifies that he went out in company with Mr. G.

A. Smart, of Cambridge, Massachusetts, who went to search for the body of his brother, who fell at Blackburn's Ford, in the action of the 18th of July. They found the grave. The clothes were identified as those of his brother on account of some peculiarity in the make, for they had been made by his mother; and, in order to identify them, other clothes made by her were taken, that they might compare them. 'We found no head in the grave, and no bones of any kind — nothing but the clothes and portions of the flesh. We found the remains of three other bodies all together. The clothes were there; some flesh was left, but no bones.'"

The statement of residents near the place, white and black, was, that the rebels had boiled portions of the bodies of our dead to obtain their bones as relics.

Governor Sprague appeared before the committee, and gave evidence of matters coming under his own observation. I read from the report:

"The evidence of that distinguished and patriotic citizen, Hon. William Sprague, Governor of the State of Rhode Island, confirms and fortifies some of the most revolting statements of former witnesses. His object in visiting the battle-field was to recover the bodies of Colonel Slocum and Major Ballou, of the Rhode Island regiment. He took out with him several of his own men to identity the graves. On reaching the place he states that 'we commenced digging for the bodies of Colonel Slocum and Major Ballou at the spot pointed out to us by these men who had been in the action. While digging, some negro women came up and asked whom we were looking for, and at the same time said that Colonel Slocum had been dug up by the rebels, by some men of a Georgia regiment, his head cut off, and his body taken to a ravine thirty or forty yards below, and there burned. We stopped digging, and went to the spot designated, where we found coals, and ashes, and bones mingled together. A little distance from there, we found a shirt (still buttoned at the neck) and blanket with large quantities of hair upon it, every thing indicating the burning of a body there. We returned and dug down at the spot indicated as the grave of Major Ballou, but found no body there; but at the place pointed out as the grave where Colonel Slocum was buried, we found a box, which, upon being raised and opened, was found to contain the body of Colonel Slocum. The soldiers who had buried the two bodies were satisfied that the grave had been opened; the body taken out, beheaded, and burned, was that of Major Ballou, because it was not in the spot where Colonel Slocum was buried, but rather to the right of it. They at once said that the rebels had made a mistake, and had taken the body of Major Ballou for that of Colonel Slocum. The shirt found near the place where the body was burned, I recognized as one belonging to Major Ballou, as I had been very intimate with him. We gathered up the ashes containing the portion of his remains that were left, and put them in a coffin together with his shirt and the blanket with the hair left upon it.

"'After we had done this, we went to that portion of the field where the battle had first commenced, and began to dig for the remains of Captain Tower. We brought a soldier with us to designate the place where he was buried. He had been wounded in the battle, and had seen from the window of the house where the captain was interred. On opening the ditch or trench, we found it filled with soldiers, all buried with their faces downward. On taking up some four or five, we discovered the remains of Captain Tower, mingled with those of the men. We took them, placed them in a coffin, and brought them home.' In reply to a question of a member of the committee, as to whether he was satisfied that they were buried intentionally with their faces downward, Governor Sprague's answer was, 'Undoubtedly! Beyond all controversy!' and that 'it was done as a mark of indignity.' In answer to another question, as to what their object could have been, especially in regard to Colonel Slocum, he replied, 'Sheer brutality, and nothing else. They did it on account of his courage and chivalry, in forcing his regiment fearlessly and bravely upon them. He destroyed about one half of that Georgia regiment, which was made up of their best citizens.'"

By acts of violence and crime like these, the rebels signaled their first victory over the army of the Republic. With savage and malignant hate they tortured, slew, and desecrated. The monstrous treason which was commenced in perjury and theft was continued in cowardly cruelty, and barbarism. Well may I say the climax of malignity was early reached. But has it diminished by long months of forbearance? Let the score of brave officers and men of General Curtis's command, who were

slain by the poisoned food left by the retreating rebels, bear witness. Let the fire-ship, filled with deadly missiles, sent down upon our vessel, invited by a flag of truce and displaying another, below New Orleans; the throat-cutting of sick and unarmed men at Shiloh, as they lay in their tents; the frequent murder of parties bearing flags of truce; the dismal tales of Southern prison houses; the hanging of Union men; the disregard of age or sex by the rebels in their unrestrained wrath; let these and a thousand other barbarities give testimony how much danger there is of exasperating the traitors in arms.

Well may this committee upon the conduct of the war exclaim, as they draw to the end of the dismal task assigned to them by the special resolution of the Senate:

"Every step of this monstrous treason has been marked by violence and crime. No transgression has been too great, no wrong too startling for its leaders. They disregarded the sanctity of the oaths they had taken to support the Constitution; they repudiated all their obligations to the people of the free States; they deceived and betrayed their own fellow-citizens, and crowded their armies with forced levies; they drove from their midst all who would not yield to their despotism, or filled their prisons with men who would not enlist under their flag. They have now crowned the rebellion by the perpetration of deeds scarcely known even to savage warfare. The investigations of your committee have established this fact beyond controversy. The witnesses called before us were men of undoubted veracity and character. Some of them occupy high positions in the army, and others high positions in civil life. Differing in political sentiments, their evidence presents a remarkable concurrence of opinion and of judgment. Our fellow-countrymen, heretofore sufficiently impressed by the generosity and forbearance of the Government of the United States, and by the barbarous character of the crusade against it, will be shocked by the statements of these unimpeached and unimpeachable witnesses; and foreign nations must, with one accord, however they have hesitated heretofore, consign to lasting odium the authors of crimes which, in all their details, exceed the worst excesses of the Sepoys of India.

"Inhumanity to the living has been the leading trait of the rebel leaders; but it was reserved for your committee to disclose, as a concerted system, their insults to the wounded, and their mutilation and desecration of the gallant dead. Our soldiers taken prisoners in honorable battle have been subjected to the most shameful treatment. All the considerations that inspire chivalric emotion and generous consideration for brave men have been disregarded. It is almost beyond belief that the men fighting in such a cause as ours, and sustained by a Government which, in the midst of violence and treachery, has given repeated evidences of its indulgence, should have been subjected to treatment never before resorted to by one foreign nation in a conflict with another.

Talk of exasperating men like these! As well might Michael have feared to exasperate the rebellious angels whom he hurled from the battlements of heaven at the fiat of the Almighty. As well might the English have feared to exasperate the Sepoys who slew, in cold blood, all whom they overpowered. It is only by sharp and sudden blows you can put down this rebellion; not by faint-heartedness; not by calculations how your mortal enemies will regard your measures. Why, sir, the same advice that now seeks to induce us to do nothing that will exasperate rebels, would, if carried to legitimate conclusions, cause our armies to be disbanded, surrender this capital to the enemy, and give over the Union men of the South to hopeless ruin. In the same spirit the last Congress were advised not to pass the force bill—to make no appropriations for the Navy and Army—to do nothing to exasperate the men who had commenced to steal public property, organize rebellion, and trample upon the laws. It will forever remain a blot upon the administration of James Buchanan that, for months after the great conspiracy had developed itself by acts of ruthless violence, he wrung his hands in the halls of the White House, and lamented his hard fate, fearing to strike the blow that should save the nation, lest he might exasperate the traitors who bearded him even in his privacy, and publicly denounced him as a falsifier. The nation is a year older than it then was,

and we are burdened with a weighty experience. We see that no act or word of conciliation will avail with the secessionists; that this contest must be fought out to the bitter end by every means in our power consistent with the laws of war. The event has proved that it would have been better for the country had this fact been realized in July last. Then we would have had less talk about conciliation — which has been in vain, utterly idle — and more effective blows upon the front of the horrid monster Secession.

I am not, therefore, deterred from an affirmative vote upon the pending measures by any effect they may have in exasperating the rebels against the Union. On the contrary, I firmly believe that if these bills become laws, and are vigorously executed in their intention and spirit, they will be an efficient auxiliary to mere military force in crushing out the rebellion. Such laws will make rebellion unsafe. They hang a penalty over the head of the traitor who, heretofore, has been free from fear of any consequences or contingencies arising from ultimate defeat. They strike at the cause of the rebellion, and at its principal promoters. We need such an auxiliary as our armies progress into the cotton States. Else we but disperse the armies of our foe to reunite again as we recede. We produce no change in the condition of society, none in the tenure of property, by any measures heretofore adopted. I can see no path out of our national difficulties, even if our armies are always successful, except by keeping, at enormous expense, as large a force on Southern soil to keep down rebellion as we shall have employed to overthrow it, unless we take from rebels the resources which they use to assail us. We may place their property in the hands of the loyal, or otherwise put it beyond their reach, but they must be stripped of it. If this is a hard measure to mete out, so is the crime of which they are guilty an enormous one. But confiscation does not punish a whole community, even if strictly carried out, especially in the South where the proportion of poor men is so large. Although there are four millions of slaves in the South, there are but four hundred thousand slave-holders. The landed property is in few hands, comparatively. Millions would go free of penalty in the South under bills far more stringent than any yet devised, and mercy will step in to lighten the burden of even the most lenient. But the life of the nation demands that such change shall be made in the possession of those resources which go to make up a capacity to wage war as that they shall not again be used to overthrow the Government and deluge the land with blood.

I am not deterred from casting an affirmative vote upon these bills by the fear that those who are now Union men in the South will become secessionists. These men have been dragooned, imprisoned, persecuted, and many murdered by the enemies of the Union. They have had meted out to them the bitterest cup of woe. Their rights have been trampled upon by the very men for whom it is pretended they have now so much tenderness that they will join hands with their oppressors if Congress attempts to confiscate the property of the latter. Such a supposition is inconsistent with all we know of the qualities of human nature. Such men will rather rejoice at any effective blow we can strike at the rebellion which has ruined them, has hunted and hounded them, has slain their relatives and friends, and desolated their hearth-stones. Bitterly must they resent the injuries and indignities they have received from their implacable foes; and they will never object to the measures we take that they bear too stringently upon the authors of their woes. If there is another class of men who are intended by the phrase "Union men of the South,"— men who have never evinced a sentiment of love for the Union by any act or word to restrain the violence of secessionism, who have stood by while the Government was assailed and private rights violated,— they are too feeble in spirit to give weight to either party in this contest. Their loyalty will rise and fall with the varying pro-

portions of the rebellion, and we have nothing to hope or fear from their action. While they afford us no aid to rescue their States, they must not clog our efforts or become an obstacle in our way, as we strike at the heart of secession. For one, I do not believe that this class is large, at the present day, in the South. There may be many non-combatants, who seem to favor secession, and evade personal exposure in its service, by contributing their means to the dominant power. But these men are not secessionists at heart, and would be glad to be restored to the peace and security of the Union. Any measures which relieved them from thraldom they would welcome, however they may bow to the prevailing storm.

Mr. Speaker, the progress of this war, and the conduct of Congress and the Administration from its inception, have given plain denial to the allegation that the object of the war has been the abolition of slavery. Notwithstanding that slavery has been the rallying cry of secessionism, that the only complaints against the North have hinged upon the question of slavery, that the rebellion was undertaken to build up a slave empire, and that the political influence of slavery has been the cause of all the evils of the Republic; notwithstanding the gravest provocations have been given to strike the institution from existence, and a decent pretense has offered itself for a whole year to give such direction to the war that not a slave should be left upon the continent; yet we have spared it, day by day, and offered every opportunity for our rebellious citizens to return to their allegiance with all their rights and all their peculiar relations untouched.

After all this, we are gravely informed to-day by the gentleman from Tennessee [Mr. MAYNARD] that we ought not to free the slaves of rebels, lest we convince the rebels of the border States that what the secessionists have all along charged is true, that we are inimical to the instiutions of the South, or that this is an abolition war. Does not that gentleman know, do not the border States know, that if the rebels were to return to-day, or if they had returned any time during the past weary year, that slavery would have been injured by no act of the Government? That it would have had the damning load to carry of having been the cause or pretext of a most dishonorable and fratricidal war, and thus have deserved the execration of mankind, is most true. But that would be a consequence of the folly of its supporters, not of the policy of a forbearing Government. But national patience has a limit. We cannot stand by and see our young men led to death or return mangled and diseased, while we have within our reach a weapon that will deal a death-blow to the rebellion. If that blow must be struck at slavery, who has necessitated it? Is it not better that slavery should die than the nation? If the border States are as loyal as the gentleman asserts — and I do not dispute it — they must desire the end of this war, which has thus far desolated them more than any portion of the country. They must understand the spirit of these measures — that they have been wrung from the American Congress by the necessities of war; as war measures demanded by the public exigency, and withheld as long as there was a hope that the rebellion could be subdued without them. Accepted in this spirit, — accepted with the evidences that accompany and which preceded them, they can meet no opposition in the border States; and I kindly suggest that it is the part of patriotism for the gentleman, instead of asserting to his people that these measures are evidence that the *animus* of the Government has always been inimical to "southern rights," and hence secession is self-defence, to show to them that the long forbearance of the Government is evidence that no blow was ever designed to be struck at the South, and no interference ever intended with slavery, but that the gigantic proportions of this rebellion, the continued obduracy of the rebels, their atrocities towards Southren Union men and Northern soldiers, and their unceasing and almost successful efforts to induce foreign intervention, and thus the introduction of an alien enemy upon the national soil, have

rendered such measures necessary to save the national life, and that they are, therefore, wise, salutary, and just.

The gentleman from Missouri [Mr. NOELL], speaking for a border-state constituency, has no fear for the effect of a confiscation law in the border States. After an able argument, defending upon principle and policy the confiscation bill pending before the House, he says:

"I say, sir, that so far from this bill producing mischief in the border slave States, it is the only means by which our loyal people can be protected. Why, sir, it is a common thing for these men, as soon as the overwhelming force of the United States troops gets out of sight, to run back into our settlements and burn our houses, drive our wives and children from their homes, and strip them of every dollar's worth of property they have upon the face of the earth. Meet them again and they laugh in your face and tell you there is no law by which they can be punished. You cannot hang five hundred thousand men. That is impossible. Such a law cannot be executed. No one knows better than they do that such is the case; and if we do not reach them in the only way in which we can reach them — through their property — they will continue to commit these disloyal acts and murderous crimes. I believe that if we had passed a confiscation bill at our extra session in July, and these men who own property in that country had known that there was a law in force which could be executed against them effectively, and which would be executed against them if they continued committing these outrages against their fellow-citizens, and these crimes against the Government, much of the mischief they have perpetrated would have been arrested."

I have been led to these remarks, sir, not because I would retaliate upon the South. I would certainly have reprisals upon the property of rebels, so far as may be, toward paying the expenses of the war and lessening the burdens of taxation which the people will soon feel so heavily. But I would not have our soldiers less generous and noble to their enemies, our surgeons less kind, our Government less willing to extend proper mercy. I do not speak in anger so much as in sorrow of the atrocities of the rebels. I deem it necessary to show the spirit of the men whom some gentlemen upon this floor seem to fear we may exasperate, by recalling those acts of the rebels which blot the late pages of our history. But I would not transcend the laws of war in dealing with these public enemies, or violate any principle of the common Constitution. Although I firmly believe in the right of self-defense inherent in the individual and in the nation, and that right is sanctioned by a law higher than human ordinances, yet in this matter we need but appeal to the laws of war, those well-understood rights of aggression towards a public enemy, for justification of the action contemplated in the pending measures. We propose by these bills to confiscate the property of certain rebels in arms, and to free their slaves. We design to cause the enemy to contribute thus far to the expenses of the war, to weaken his power, and to force him to an equitable peace; and what is of importance as well, as I have indicated, to provide security against future injuries by any renewal of this rebellion. Our warrant for this is found in the practice of nations, and in the written law. In his Summary of the Law of Nations, Professor Martens says, book 8, chap. 3, sec. 9:

"The conqueror has a right to seize on the property of the enemy, whether movable or immovable. These seizures may be made, first, in order to obtain what he demands as his due or equivalent; secondly, to defray the expenses of the war; thirdly, to force the enemy to an equitable peace; fourthly, to deter him, or by reducing his strength, to hinder him, from repeating in future the injuries which have been the cause of the war."

A vital element of the strength of the rebels consists in their slaves, by means of which they till their fields, and thus provide food for their armies, dig their entrenchments, drag and load their cannon, and as has been known in several recent instances, use as soldiers to shoot down the defenders of the Union. The means of resistance of the rebels are largely increased by the multitude of

slaves they possess. We propose to weaken them by depriving them of this element of strength. Says Grotius, book 3, chap. 6:

"A State taking up arms has a right to weaken her enemy, in order to render him incapable of supporting his unjust violence, a right to deprive him of the means of resistance. Hence, as from this source originate all the rights which war gives us over things belonging to the enemy, we *have a right to deprive him of his possessions, of everything which may augment his strength and enable him to make war.* This every one endeavors to accomplish in the manner most suitable to him whenever we have opportunity; we seize on the enemy's property and convert it to our own use, and thus, besides diminishing the enemy's power, we augment our own, and obtain at least a partial indemnification or equivalent either for what constitutes the subject of the war or for the expenses and losses incurred in its prosecution; in a word, we do ourselves justice."

This rebellion long ago assumed the proportions of a civil war, and we have treated the rebels as belligerents for many purposes. We have recognized their flag of truce, and exchanged prisoners, maintained a blockade, and condemned as lawful prizes vessels endeavoring to run the blockade. All the law writers insist that the common laws of war apply to and should be observed in every civil war, although it is held that when a sovereign has subdued the opposite party and reduced them to submit and sue for peace, he may except from the amnesty the authors of the disturbances, the leaders of the party; he may bring them to a legal trial, and punish them if found guilty. But during the continuance of the civil war we are invested by the common laws of war with the right to treat rebels as we would alien enemies, and hence deprive them of their property, or weaken their strength or resources, of whatever character. Whatever difference of opinion there may be as to the policy of exercising such rights in a given case, there can be none of the existence of the right. With a cause so just as that which we now maintain against an enemy so regardless of all right, human or divine, so relentless and cruel that even the savage that he employs upon the western border is not charged with half the barbarism of his inciters to slaughter, we are not called upon to seek a mild interpretation of the laws of war, however foreign it has been and will be to our purpose to emulate the public enemy in his atrocities. Chancellor Kent says:

"However strong the current of authority in favor of the modern and milder construction of the law on this subject, the point seems to be no longer open for discussion in this country, and it has become definitely settled in favor of the ancient and sterner rule by the Supreme Court of the United States." — Vol. 1, tenth edition, p. 69.

Professor Parsons says:

"It is a common opinion that civilization has so far mitigated war that it is no longer one of the laws of war to seize, use, or destroy private property. This is a mistake, according to all the authorities on the law of nations. It is undoubtedly true, however, that the modern usages and proprieties of war — and there are such things — would justify the exercise of this right only on the ground of military necessity."

Most certain it is that such military necessity now presses upon us. Our vast armies in the field are draining the resources of the nation, and it is a serious question if the war can be continued another year upon such a scale of expense as is necessary to preserve its efficiency. The prospect of foreign intervention at the invitation of the rebels seems not remote, unless we strike an effective blow at the rebellion. Our troops will soon be decimated by the fierce diseases of an inhospitable climate, while the rebels will gain new strength by the very causes that will work disaster to us. The rebels maintain enormous armies in the field, greater than ever before, and concentrated into effective bodies, and greater exertions are necessary to subdue them. We are called upon to recognize this necessity and act in view of it. That the power so to act is lodged in Congress, I do not doubt. We can legislate concerning the rights of war, and the Executive can only act as we author-

ize him. By act of Congress he puts an army in the field, feeds, clothes, and maintains it. The Constitution provides that Congress shall have power to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water. Judge Story has decided that that power

"Includes the exercise of all the ordinary rights of belligerents, and Congress may, therefore, pass suitable laws to enforce them. They may authorize the seizure and condemnation of the property of the enemy, within or without the territory of the United States, and the confiscation of debts due to the enemy."

Chancellor Kent (vol. 1, p. 76), in remarking upon the case of the Emulous (1 Gall.), says:

"On appeal, the Supreme Court established the principle that war gave to the sovereign full right to take the person and confiscate the property of the enemy wherever found. But the exercise of the right depends on acts of Congress."

Again, Mr. Wheaton says:

"It is competent for the national authority to work a transmutation, total or partial, of the property belonging to the vanquished party; and if actually confiscated, the fact must be taken for right. But to work such a transfer of proprietary rights, some positive and unequivocal act of confiscation is essential."

I deem there is nothing in the point that this war is prosecuted upon our own soil by a domestic enemy who cannot be held to the responsibilities of a foreign enemy. In 4 Wheaton, 246, is a decision that, for revenue purposes — the only point in the case — a portion of our territory in the possession of the enemy became foreign; and I confess I am unable to see why it may not become foreign for any purpose of war, if it may for revenue purposes. I have not been able to discover the reason of the rule alleged by some gentlemen to exist, that a domestic enemy, formidable in power and the duration of his rebellion, and adding the crime of violated allegiance to the war he creates, cannot be held amenable to those penalties of war which are inflicted upon a foreign enemy. The reason would seem to be the other way; that a more stringent treatment may be applied to dishonorable traitors than to an honorable foreign foe. Humanity pleads that where the rebellion has reached the magnitude of civil war, the sovereign shall deal with those in arms against him by no more stringent rules than those allowed by the common laws of war; and hence Vattel says they should be observed in every civil war. But neither he nor any other writer that I can find implies that the sovereign shall not exercise those powers conferred by the laws of war to the fullest extent, and he concedes the right, when the rebellion is crushed, to punish the rebels in a manner that is never applied to a foreign enemy, unless he is taken as a spy. Upon any other principle how shall a rebellion be ever crushed? How shall a civil war be ended except by its success? The rebels are restrained by no law of nations, for they are outlaws; and if a sovereign cannot use against them the weapons and measures which are sanctioned in all other warfare, a bounty is offered by the law of nations to treason. We have the curious anomaly of a usage or law having grown up among nations jealous of sovereignty which encourages rebels to wage war for the overthrow of sovereignty. No, sir, the utmost the rule requires is, that while a civil war is raging, the sovereign ought not to deal with his domestic foes more severely than he does with a foreign enemy, but must, for the time, disregard the fact that his enemies are also rebels. But it would be a monstrous doctrine that his belligerent rights are impaired when he is assailed by organized and powerful rebellion. Says Judge Sprague, in the case of the Amy Warwick and cargo, reported in the April number of the Law Reporter:

"In war each belligerent may seize and confiscate all the property of the enemy, wherever found, and the right extends to the property of all persons resident in the enemy's country."

He adds:

"I am satisfied that the United States, as a nation, have full and complete belligerent rights, which are in no degree impaired by the fact that their enemies owe allegiance, and have superadded the guilt of treason to that of unjust war."

And Vattel, in urging upon the sovereign humanity in the conduct of such a war, and that no greater than ordinary belligerent rights shall be exercised, because cruelty to prisoners might lead to reprisals by the public enemy, and the war degenerate into barbarism, urges, as an additional reason, that where civil war attains magnitude and divides the nation, the two parties are *in precisely the same predicament as two nations* who engage in a contest, and being unable to come to agreement, have recourse to arms:

"A civil war breaks the bands of society and government, or, at least, suspends their force and effect; it produces in the nation two independent parties, who consider each other as enemies, and acknowledge no common judge. Those two parties, therefore, must necessarily be considered as thenceforward constituting, at least for a time, two separate bodies, two distinct societies. Though one of the parties may have been to blame in breaking the unity of the State and resisting the lawful authority, they are not the less divided in fact. Besides, who shall judge them; who shall pronounce on which side the right or wrong lies? On earth they have no common superior. They stand, therefore, in precisely the same predicament as two nations who engage in a contest, and being unable to come to an agreement, have recourse to arms."

Congress has recognized this war as existing. We have set armies in the field, and are taxing the people to support them. We now intend to avail ourselves of our full belligerent rights, and exercise those rights against this hostile people which are conferred by the laws of war. If we are waging a constitutional war, all the incidents of our action, in accordance with the laws of war, are constitutional. If we are right in making this war, we are right in weakening the enemy by depriving him of property and slaves. The Constitution cannot give us this war power and yet prevent its exercise. The Constitution nowhere limits the national power to wage war against an armed enemy, domestic or foreign. This continual assumption that we shall proceed unconstitutionally if we treat the rebels as we might constitutionally treat a foreign foe, strikes at the whole war we are waging for the Union, and if true should cause an immediate abandonment of our cause.

Passing from these considerations, I wish to advert for a moment to those objections which are urged against the passage of these or kindred measures, upon the ground that our past forbearance, the declarations of the President and of our Foreign Secretary, and the resolutions of Congress, have pledged the Government to a different policy, and hence that the passage of these measures would be "a distinct violation of our pledged faith." Sir, we have never pledged ourselves not to put down this rebellion. We have no different understanding of our constitutional rights and duties now than we had a year ago, when those declarations were uttered. I would, to-day, cheerfully vote for the resolution offered at the extra session by the venerable gentleman from Kentucky [Mr. Crittenden], and then adopted:

"That this war is not waged on their [our] part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; and that as soon as those objects are accomplished the war ought to cease."

We have not waged, and do not intend to wage, this war in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with any rights or institutions of any States, but to maintain the supremacy of the Constitution, and we still intend that the war shall cease as soon as

these objects are accomplished. We can only attain these objects by weakening the power of the rebels, by availing ourselves of our belligerent rights. If by that resolution assurance was given that the Government bound itself to inaction, pledged itself not to use any legal means to accomplish the objects named in it, it was a delusion. But it was not so understood by Congress or the country. We left ourselves free to wage this war by all effectual methods consistent with tha laws of nations, upon which there is no reservation in our Constitution, until we had secured again the supremacy of the Constitution and saved the Union. If, to accomplish these ends, it is necessary to take away the slaves of the rebels, does the gentleman from Kentucky, or any one else, say we should rather let the Union slide? If to take the property of rebels and transfer it to Union men to make good the losses of the latter, and prevent it from being used against us, is necessary to maintain the supremacy of the Constitution, will it be charged we violate the spirit or letter of that resolution in so doing, or any plighted faith whatever? Such arguments seem to me to be the fruit of an ingenuity seeking to evade the performance of a plain duty to the country — to be the lingering poison of a party spirit inimical to the national welfare.

All along we have had men in our councils who, while saying one word for us, would say, unintentionally, probably, two for the national adversary. No measure we have thus far taken, however necessary to the public safety, or reasonable, or usual in time of war among civilized nations, has escaped carping criticism. This may spring from a reverence for forms, or from a sympathy with former political associates, or from better motives. But when it is announced in Congress, and circulated by pamphlet among the people as the utterance of a friend of the national cause, that—

"The old landmarks of our Constitution are fading fast enough. We have now no liberty of the press. The great, striking feature of Magna Charta, wrung from King John upon the plains of Runnymede by our great British ancestors — the right to the writ of *habeas corpus* — has gone; more than a thousand of our fellow-citizens, without due process of law, lie rotting in your political bastiles." *

I can but regret that the cause of the Union is thus wounded in the house of its friends. Have we no liberty of the press? The military authorities have prevented descriptions of our works of defence, detailed statements of our forces assembled at various points, and intelligence of intended movments, being published to the enemy; but who shall complain of that except those who wish evil to our brave soldiers who may be betrayed. The Government has refused the use of its mails to sheets filled with rank secession, poisoning the public mind with falsehood, and openly working for the rebels; but is liberty of the press a license to sap the very foundations of society, and lead an armed crusade against law and liberty? Who shall complain of this except those who sympathize with secession? Who of our fellow-citizens has ever been arrested except for out-spoken, aggressive treason, flouted in the very face of the Government? Who shall complain of this, except those who wish traitors to be unmolested in their nefarious work? "Rotting in political bastiles!" We use no dungeons in our places of confinement — no horrors are therewith associated, except a restraint of person, necessary to the public safety. Why such exuberance of rhetoric? such word-painting? It is notorious that thousands of traitors walk the streets unmolested, and give aid and comfort to the enemy by all the advantage a residence among us confers, yet are thus unmolested because of the tenderness of the Government. And the readiness of the Government to release any political adversary upon a mere parole not to aid the rebellion is equally notorious. If men will engage not to war against the Constitution, they are instantly released; and

* Speech of the Hon. M. S. Latham upon proposed expulsion of Senator Bright.

many who even refused this have been sent across the border. The leniency of the Government, not its strictness, has been cause of reproach. Yet it is compared with despotic French monarchs, who, from malevolence or whim, chained their victims to the floor of noisome solitary dungeons, where the light of day never penetrated, and where hopeless years passed over their heads until they forgot the form of their fellows, and were forgotten by the outside world. The allusion is most odious, because it is most unjust, and sounds strangely from a supporter of the Government. But it is at least a gratifying evidence that the liberty of speech yet remains to us.

Mr. Speaker, I have given the reasons which induce me to vote for these measures. I desire to see this rebellion utterly overthrown, and therefore I vote for them. I believe we have the right, under the Constitution and laws of war, to enact them — that they are both right and expedient, and that we shall be direlect to our duty if this Congress adjourns without doing something for the peace of the country more than is accomplished by tax and appropriation bills. We will talk of compromise and conciliation when the rebels cease to murder our loyal citizens and make their dwellings a desolation. We will talk of forgiveness when they ask it, or will accept it. But as long as their hands drip with the blood of loyalists, and they essay to involve in common ruin the whole structure of our political society, we will meet them sternly, with all the weapons which laws, human and divine, supply for our use.

NOTE.

In a speech lately delivered in New York, Parson Brownlow, the hero of East Tennessee, gave additional testimony on this revolting subject in these words:

"Why, gentlemen, after the battle of Manassas they passed through our town on furlough officers and privates, going down into Dixie, exulting, and brought with them divers what they called Yankee heads — the entire heads of Union troops — some of them with long beard; and they would take them by the hair and shake them out of the window, and say: 'A damned Yankee's head!' This is the spirit of secession, the spirit of the vile, untutored savages of hell; and he who apologises for them is no better than he who is perpetrator of the crime."

In another speech he relates other matters which also came under his observation while he was in the rebel prison house at Nashville, which recall the scenes of the French Revolution:

"But I have not the time to recite a third part of the incidents that occurred there under my eye and observation, nor have you the patience to listen. I will remark to you, however, that they were accustomed, while I was in that jail, to drive up in front of the jail small wagons with coffins upon them, one or two at a time. On one occasion a cart was driven up with an armed guard, who marched in at the gate with slow, heavy military tread, and called for a young man by the name of J. C. Haum. They led him out and set him upon the coffin. He was a member of the Methodist Church and a man of good character, and made application — I heard him make it — for a Methodist preacher to come and read the Scriptures and pray with him before he died, and they utterly refused, with bitterness and cursing. They told him that God Almighty did not hear the prayers of any damned Union shriekers, or any man who did not sympathize with the South. And so they refused his request. Not only so, but while upon the gallows, one of their drunken political chaplains, supposing he could make a figure, got up there and said to the crowd that this young man, about to be hung, was sorry that he had perpetrated this offence, and had been led into it by the Union leaders and Union papers. Haum rose up and remarked to the crowd: 'There is not a word of truth in what this man says. I made no confession. What I have done, I have done with my eyes open, and if it were to be done over again, I would do it again. I am ready to hang,' said he, 'and you can execute your purpose;' and he swung off like a man — like a Union man, like a Tennessean and a brave man; and as God is my judge, I would sooner be in Haum's grave to-night than any one of the scoundrel's concerned in executing him.

"A few more days passed over our heads, and two more carts came to the jail, surrounded by a double guard, their bayonets glistening in the sun, and with two coffins upon it. They came in and demanded two prisoners. We did not know who was to be hung. We knew they tried us by drum-head court martial; they never allowed a man to

be present in person or by attorney, or have testimony; they just pronounced such a man guilty, and sentenced him to be hung. We did not know, therefore, when they were approaching us with coffins, who was to hang.

"They came, as I remarked, with two carts and two coffins, and marched in and seized upon a poor old man, sixty-five years old, a Methodist class leader, a man of good character, a planter, worth forty or fifty thousand dollars, living a little north of Knoxville; and they took his son, a young man twenty-one or twenty-two years old, and swung them both up. They swung up his son first, and compelled the old man to look at his son. He turned his head aside, so as not to see the terrible tragedy, but they made him turn round so as to see his son, saying: 'Look here — your turn will come next.' Then they brought him forward. He was weak and sick and unable to walk, and they propped him up and helped him to the gallows, tied the rope around his neck and swung him off by the side of his son — hanging both on the same gallows.

"They took two other men, one by the name of Henley and the other by the name of Fry, and hung them both on the limb of an old oak tree, and kept them hanging four days, and ordered the conductor and engineer on the railroad — for the cars were all under the direction of the military — to pass by very slowly, to creep by the spot, going and coming, to give the passengers an opportunity to salute the tories and traitors to the South while they were hanging there; and they actually stood out on the front and rear platforms of the cars, and kicked the dead bodies and punched them with walking sticks and rattan canes; and the ladies, the women — we make a distinction between women and ladies down South — waved their little handkerchiefs out of the car windows in honor of the swinging of two Union men upon an oak limb.

"But a few days more passed over our heads in Knoxville, and the order came to hang another man. His daughter, living on the railroad, some forty or fifty miles from Knoxville, heard of it, took the cars and came down. She is his housekeeper — I believe his wife is dead — a most excellent girl, educated, modest, and sensible. She heard of her father's troubles, and came down. After much persuasion they permitted her to go into the jail, about 11 o'clock in the morning; her father was to hang at 4 o'clock. She entered and was limited to fifteen minutes by the officers. When they opened the iron door of the cell where he was, I went along to it. I wanted to see the scene. I did not glory in seeing the sight, but I wanted to be an eye witness, whether I lived or died. When they opened the iron door and let her in, I saw a sight — my God, what a sight it was! A modest, virtuous, amiable girl, going in to see and embrace her father, who was to hang at 4 o'clock. She laid her arms on his shoulders, and he embraced her around the neck. They sobbed and cried, and cried and sobbed. Neither could speak or did speak. The insulting, miserable officer notified her, in his harsh words, that her time was up, and she must go out. After being told two or three times, she tore herself away, the tears rolling down her cheeks. My God, what a scene was that!

"They took men in my county and tied them, lying upon their breasts, lengthwise upon logs, stripped every rag off their backs, even to their shirts, tying their ankles and wrists under the logs, and with hickory switches cut their backs all to pieces, until they bled at every pore. Others they shot down in the field; others sickened and died. And this game was carried on all over the State — hanging and whipping. Here sits at my left hand a man whose eyes are bathed in tears — General Rogers, of Tennessee — a man who fought in the war of 1812 side by side with Andrew Jackson. (Prolonged and enthusiastic cheering.) He did not fight for a sectional or Southern Confederacy, but he fought under Old Hickory for the whole Union. He has in his pocket his old commission as Brigadier General. This man's wife and children are in Tennessee. They shot at him twice as he escaped over the Cumberland river, and he is here a refugee from the vengeance of those devils down South. Am I right about it, General Rogers? (The General nodded assent, and at the request of the speaker stood up, amid the enthusiastic plaudits of the assembly.) I know the man, and have known him for years; a true man in every sense, a native of Virginia, long a resident of Tennessee, fighting side by side with Carroll and Jackson in the war of 1812 — a loyal man. For this they have run him out of the country and taken charge of his property. He does not know how his family are faring to-day. He came off only to save his neck from the gallows."

Hon. Andrew Johnson, in his speech in the U. S. Senate upon the proposed expulsion of Senator Bright, said:

"My people are appealing to you for protection under the Constitution. They are arrested by hundreds and by thousands; they are dragged away from their homes and incarcerated in dungeons. They ask you for protection. Why do you not give it? Some of them are lying chained in their lowly prison-house. The only response to their murmur is the rattling and clanking of the chains that bind their limbs. The only response to their appeals is the grating of the hinges of their dungeon. When we ask for help under the Constitution, we are told that the Government has no power to enforce the laws. Our people are oppressed and downtrodden, and you give them no remedy. They were taught to love and respect the Constitution of the United States. What is their condition to-day? They are hunted and pursued like the beasts of the forest by the secession and disunion hordes who are enforcing their doctrine of coersion. They are shot or hung for no crime save a desire to stand by the Constitution of the United States. Helpless children and innocent females are murdered in cold blood. Our men are hung and their bodies left upon the gibbet. They are shot and left lying in the gorges of the mountains, not even thrown into the caves, there to lie, but are left exposed to pass through all the loathsome stages of decomposition, or to be devoured by the birds of prey. We appeal for protection, and are told by the Senator from Indiana and others: 'we cannot enforce the laws; we are against the entire coercive policy.' Do you not hear their groans? Do you not hear their cries? Do you not hear the shrieks of oppressed and downtrodden women and children? Sir, their tones ring out so loud and clear that even listening angels look from heaven in pity.

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"I do not say these things in unkindness. I say them in obedience to duty, a high constitutional duty that I owe to my country; yes, sir, that I owe to my wife and children. By your failure to exercise the powers of this Government, by your failure to enforce the laws of the Union, I am separated from those most dear to me. Pardon me, sir, for this personal allusion. My wife and children have been turned into the street, and my house has been turned into a barracks; and for what? Because I stand by the Constitution and the institutions of the country that I have been taught to love, respect, and venerate. This is my offense. Where are my sons-in-law? One to-day is lying in prison; another is forced to fly to the mountains to evade the pursuit of the hell-born and hell-bound conspiracy of disunion and secession; and when their cries come up here to you for protection, we are told: 'No; I am against the entire coercive policy of the Government.'

* * * * * * * * *

"Now, the Senator from Delaware tells us that if that compromise had been made, all these consequences would have been avoided. It is a mere pretense; it is false. Their object was to overturn the Government. If they could not get the control of this Government, they were willing to divide the country and govern a part of it. Talk not of compromise now. What, sir, compromise with traitors with arms in their hands! Talk about 'our Southern brethren' when they lay their swords at your throat and their bayonets at your bosoms! Is this a time to talk about compromise? Let me say, and I regret that I have to say it, that there is but one way to compromise this matter, and that is to crush the leaders of this rebellion and put down treason. You have got to subdue them; you have got to conquer them; and nothing but the sacrifice of life and blood will do it. The issue is made. The leaders of rebellion have decreed eternal separation between you and them. Those leaders must be conquered, and a new set of men brought forward who are to vitalize and develop the Union feeling in the South. You must show your courage here as Senators, and impart it to those who are in the field. If you were now to compromise they would believe that they could whip you one to five, and you could not live in peace six months, or even three months. Settle the question now; settle it well; settle it finally; crush out the rebellion and punish the traitors. I want to see peace, and I believe that is the shortest way to get it. Blood must be shed, life must be sacrificed, and you may as well begin at first as last. I only regret that the Government has been so tardy in its operations. I wish the issue had been met sooner. I believe that if we had seen as much in the beginning as we see to-day, this rebellion would have been wound up and peace restored to the land by this time.

* * * * * * * * *

"Mr. President, I have alluded to the talk about compromise. If I know myself, there is no one who desires the preservation of this Government more than I do; and I think I have given as much evidence as mortal man could give of my devotion to the Union. My property has been sacrificed; my wife and children have been turned out of doors; my sons have been imprisoned; my son-in-law has had to run to the mountains; I have sacrificed a large amount of bonds in trying to give some evidence of my devotion to the Government under which I was raised. I have attempted to show you that on the part of the leaders of this rebellion there was no desire to compromise — compromise was not what they wanted; and now the great issue before the country is, the perpetuation or the destruction of free Government."

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SPEECH

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OF

HON. ISAAC I. STEVENS,

DELEGATE FROM WASHINGTON TERRITORY,

ON THE

WASHINGTON AND OREGON WAR CLAIMS.

DELIVERED IN

THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

MAY 31, 1858.

WASHINGTON:
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The House being in committee of the Whole on the state of the Union, Mr. ISAAC I. STEVENS said:

I take this occasion, Mr. Chairman, to present a few observations in regard to the Washington and Oregon war claim. This is a matter certainly of some little consequence, for it involves no less a sum than six millions of dollars. Incident to this, however, is another question of more importance still, namely: the character and honor of the people of those distant Territories, and the honor of our whole country. One question touches the Treasury of the United States, and the other the good name of the people of the United States. I shall dwell upon them both. I shall endeavor to vindicate the character and conduct of the people of those Territories, and the operations undertaken by the authorities of those Territories for the purpose of suppressing Indian hostilities. I shall endeavor to show that those operations were necessary, that they were economical, and that they are entitled to the confidence and sympathy of the country; and finally I shall endeavor to show by precedents, by the course of the Government in regard to other portions of the country, that we have a right to expect prompt and ample justice from the Congress of the United States.

Mr. Chairman, it has been often charged against us, that that war was brought on by outrages upon the rights of the Indians; that it was gotten up for the purpose of speculation: and that it was the treaties which caused the war. Well, sir, suppose the treaties did cause the war; suppose we did have vagobonds in that country who committed outrages upon the Indians; suppose some few citizens were operated upon by the motive of making a speculation out of the war; if these things be true, did they make it any less the duty of the people, and of the authorities of the Territories, a war having come upon them, to protect the settlements? What account would an executive have had to render, who, when he heard that the Indians were devastating the settlements, burning the houses, and massacreing the women and children, had declined to protect those settlements on the ground that here and there a white man had outraged the Indians, and had driven them to arms? Suppose the treaties *did* incite the war, was it the fault of the people of those Territories? Was the appointment of commissioners, the calling together of councils, and the forming of treaties their act? Not at all. It was the act of your Government. It was the act of your Congress. It was done under the orders of your President. The people of the Territories certainly were not responsible, nor were the executives of those people responsible. Sir, it does seem to me that it would be trifling with the intelligence and insulting the understandings of gentlemen of this Committee, if I were to undertake to defend the people of those Territories from the charge of having brought about this war for purposes of speculation. Who are the people of those Territories? How did they get there? Were they mere vagabonds and outcasts? Did they go there without

law, and give to the world an example of lawlessness and insubordination? No, sir, they were American citizens, the very choice and flower of your yeomanry. They went there carrying with them the arts and arms, the laws and institutions of their country, and there they planted empire and civilization. How is this Government, and how are the people of these States known upon that coast? It is through the eighty odd thousand people there who have given to the world from their first settlement, an example of a law-abiding, an industrious, a patriotic, a suffering—ay, and a heroic people. You are known there through them, and through the institutions which they have carried there with them. Sir, when men talk about vagabonds in that country, I might with propriety refer them to Baltimore, and to Philadelphia, and to New York, and to all your large cities, and even to this National Capital.

Have you no vagabonds? Have you no courts, no juries, no jails, no penitentiaries? Why, even here, murder stalks at noon-day, and has marched in procession. It has controlled the elections of a neighboring city; and this too, in your densely populated old States—this too, in your cities, where civilization and refinement reign. I say to gentlemen who fling the term *vagabond* into our faces, first pull the beam out of your own eye, and then you can see clearly to pull the mote out of your brother's eye.

But, Mr. Chairman, I most emphatically deny all these charges, and I speak from the most abundant opportunities of personal observation. The good name of that people is dear to me. They have behaved in such a manner as entitles them not to sufferance, not simply to be passed along, but entitles them to your admiration and praise. They have held high advanced, the flag of their country's honor, and have maintained the humanity and benificence of its institutions.

Mr. Chairman, the Indian tribes of those two Territories number some forty odd thousand souls. In Washington some twenty-two thousand, and in Oregon some twenty thousand. When the war commenced in 1855, we had in Washington only about seventeen hundred able-bodied white men. The Indian tribes were all greatly disaffected, and their friendship could not be depended on. They numbered in the neighborhood of Puget Sound alone, some twenty-five hundred warriors; whilst on that Sound we had not over one thousand able-bodied white men. East of the Cascade the Indian tribes are rich, proud, and brave. They had great chiefs, such chiefs as Kam-i-a-y-kan and Pu-pu-mux-mux. They had shown their prowess in war, at one time requiring the provisional government of Oregon to exert all its strength in order to punish them for the atrocities committed in the robbery and murder of Mr. Whitman and his whole family. In the summer of 1855, just before the war commenced, the general impression in both Territories was, that there was little or no fear of war, for, Mr. Chairman, we had had rumors of this during previous years. The Indians had been more or less disaffected for a long time. There were many rumors of disaffection in the spring of 1855, though they were generally discredited. In the spring of 1855, both Col. Bonneville, in command of the Columbia River District, and Major Rains, in command at the Dalles, came to the conclusion that the Walla-Walla chief Pu-pu-mux-mux ought to be seized and put in confinement on the ground that he was getting up a general Indian war; and he would have been seized and put in confinement, had it not been for the persuasions of the Indian officers, who, equally with myself, discredited the reports, and had confidence in Pu-pu-mux-mux. Previous to my going to the Walla-Walla council, word was sent to me by the good father Ricard, the superior of the missions in the Yakima and Cayuse country, that the Yakimas, Cayuses, and Walla-Wallas would attend that council with a hostile purpose, and that I would go there at the hazard of my life. I had warning from various sources, but the council had been called, and I went there in good faith, in order to attend to the business for which it had been called. We were in council fourteen days, in friendly council and friendly converse with the chiefs and the great body of the people of all these tribes. All these chiefs who afterwards took up arms were in my camp, and sat at my table during these fourteen days. I talked with them morning and evening, besides our formal talks in council; and in regard to that council this House has now in its possession an official record of its proceedings—a record which was taken verbatim by two secretaries separately. It is not a fixed up or patched up concern. It has been

charged that the Indians there were threatened, and that force was brought to bear in order to get their consent to the concessions they made. Mr. Chairman how ridiculous the charge! Gen. Palmer and myself were the commissioners, and with the Indian agents, a few employees, and twenty-five soldiers to preserve order on the council ground, we met there fifteen hundred warriors, brave and proud men; and I say it is ridiculous to talk of our using threats and bringing force to bear to get them to yield to our terms. The record speaks for itself. The commissioners have no reason to be ashamed of it; nor has the Government reason to be ashamed of it.

When the Indians separated, it was with a cordial farewell on all sides Kam-i-a-y-kan was the last man I saw; and that chief parted from me in the most cordial manner, expressing the utmost satisfaction at the results of the treaty.

I said to him on parting, "The agent Bolon will soon go into your country to select a site for the mills, and schools, and agency; and I wish you to advise him in the matter." And he replied, "I shall be glad to see him, and will point out a good place for the mill."

Pu-pu-mux-mux also parted from me in the same manner; and if ever the face of an Indian expressed joy and satisfaction, it was the face of Pu-pu-mux-mux. Such was the fact in reference to every Indian chief, and every Indian there assembled. I may remark, in regard to Puget Sound, that it is the testimony of the Indian chiefs, without exception, and also the testimony of all, well-informed and disinterested white men there, without exception, and such is my own deliberate judgment, that if we had not made these treaties, the war would have been general. The treaties were the controlling element in maintaining peace. Had it not been for these treaties the field of war would have stretched from the coast to the divide of the Bitter Root mountains.

But, sir, in the observations I submitted a few days ago, I spoke of the conduct of our people, and of the conduct of the volunteers during that war. Their conduct was throughout humane and meritorious. At no time during that war was there any unauthorized killing by the volunteer forces.

The Indians, whether friendly or hostile, were sacred in the camps of the volunteers, and it is this fact that we hold up in the noon-day sun to disprove the accusations made against the people of those territories.

The first act of war was by the Indians. I have referred to Kam-i-y-a-kan, to his cordial farewell when I left him, and to his promise to assist the Indian agent Bolon, when he went into his country. The Yakimas occupy a country from the Cascades to the Columbia, one hundred and fifty miles east and west, and some two hundred north and south. In the month of August we began to hear of our citizens being murdered by the Yakimas. Finally the reports became so well authenticated that a military force under Major Haller was sent there by Major Rains, in command of the troops on the Columbia river to demand the surrender of the murderers, or on the event of refusal, to punish the tribe.

Who were killed by these Indians? The victim of most mark was this Indian agent Bolon. He was killed by the Yakimas, and by the order of Kamiyakan, though he went there as their agent, loving the Yakimas. He went there, and went alone, unwilling to believe that the reports of their having killed our people were true, and hoping that the results of his investigations would show that no such killing had been done. He was much beloved by the Yakimas, was recognized by them to be their friend, but having resolved in war, they said, (referring to Bolon) "we kill our friends as well as our enemies." He was one of our slaughtered citizens on the grounds of the Yakimas. We had some ten or twelve others—there were one or two of my own neighbors; there were two or three from Pierce county, as well as several from the neighboring county of King; men of sobriety, men of character—men who had means at home in the settled portions of the territory, but who had gone, as our adventurous American people will go, into the wilderness to see whether they could not better their fortunes. They were killed on their way to the mines at Colville. I submit it to the gentlemen of this committee—was it right that the military arm of this Government should be stretched out, when a tribe of Indians in violation of the plighted faith of treaties, guaranteeing safe conduct to all whites passing through their

country—slaughtered an officer of the republic, and citizens of the republic, without cause or provocation?

I trust that I have not to pause for a reply. Such has been the general policy of the Government. Such has even been the policy of the British Government upon that coast, although under the control of a simple trading company. The Hudson Bay Company owe their ascendancy over the Indians to this fact more than to all things else; that the life of a Hudson's Bay employé has been held sacred, and the Indians who did violence to it were held to a strict accountability. I could mention many instances when this course was pursued.

It has been alleged that the miners passing through the Yakima, violated the Indian women, and committed other outrages which provoked them to retaliate. I heard nothing of this on the Spokane coming in from the Missouri, though I used every means to ascertain whether the war had been provoked by indiscretion and wrong, conferring not only with the Indians of the Spokane and neighboring tribes, but with the fathers of mission at the Coeur d'Alene and at Colville, and with the officers of the Hudson Bay Company at the latter place.

In consequence of these murders, Major Haller marched into the Yakima country with about one hundred regular troops; was met and attacked by a force of from ten to fifteen hundred warriors, and though, for a time, entirely surrounded and cut off from water, maintained his position, reached water after an obstinate and protracted fight of some twenty-four hours, and finally succeeded in making good his retreat and saving his command with a loss in killed and wounded, of one-third of his entire force. While surrounded, he was fortunate enough to get off a friendly Indian, who made his way to the Dalles and gave information of the condition of Major Haller's command. There was great excitement throughout both Washington and Oregon in consequence. Major Rains immediately made a requisition upon the Governors of Washington and Oregon for volunteers, and that requisition was promptly complied with. The volunteers moved into the field, and thus this war had its origin, so far as the volunteers were concerned. I have here a whole volume of requisitions and orders, and correspondence, demonstrating these facts, but will not read from the volume as it will occupy time needlessly.

The volunteers, Mr. Chairman, came into service in consequence of the attack of an overwhelming force of Indians upon the troops of the regular service, in virtue of a requisition of the officer in command of the military district, and because the regular troops were inadequate to protect the settlements and bring this war to a conclusion.

On Puget Sound we had extraordinary difficulties to contend with. The war first broke out by the murder of a settlement of twelve persons on White river, and under circumstances of great atrocity. The settlers became alarmed in consequence of the floating rumors that the Indians were bent on war, and had fled from their homes to the nearest town, Seattle. The Indians who were their neighbors, went to them at Seattle, and told them that they were needlessly alarmed, asked them to go back to their claims, and assured them that if any danger should threaten them, they would give them timely warning. They returned back; but before the morning's sun had risen, they were all slaughtered in cold blood, and by the Indians who had invited them back. Not men only were murdered, but helpless women and tender children. Two children, with the mangled remains of their mother, were thrown to the bottom of a well. The Indians on that Sound exceeded the whites as five to two. It was time, certainly, that our citizens should take up arms, and by energy and vigor endeavor to reduce to subjection the Indians engaged in this terrible massacre, and prevent the other tribes joining them. It was done, and I have yet to be convinced that it was not done rightly.

Why, Mr. Chairman, on that Sound, so inadequate was the force of regular troops, and in such imminent danger was the whole community, that a volunteer company—raised for the field—was detained for the defense of Fort Steilacoom, in charge of the regular troops. Lieut. Nugen, in command at that post, took ther esponsibility of raising a company of forty men, under Capt. W. H. Wallace, and then wrote the Adjutant General of the volunteers, trusting that the Act-

ing-Governor would approve his action; and he also wrote for cartridges to be sent them, as he was deficient in amunition. I give his letters in full, establishing these facts.

FORT STEILACOOM, W. T., *October 31st*, 1855.

SIR: I have the honor to state that I have called upon the citizens of Pierce county for one company of volunteers, to act against the Indians on White river and vicinity, who have been murdering our citizens, and attacked the company of rangers under Captain Eaton, mustered into the service of the United States.

This call has been promptly responded to, and a company of forty are now ready to take the field, under the command of Captain Wallace, who will report to you for orders.

I wish you would come down to our post, as I think your presence would expedite matters. I trust you will succeed in getting another company in your place, as I am of the opinion that no less than one hundred men should think of taking the field, they to act together, and the work will speedily be finished. I trust that the Acting-Governor will approve of my action, as I could see no other way to maintain the peace of our country.

I am, sir, very respectfully, your most obedient servant,

JOHN NUGEN,
Second Lieutenant 4th Infantry, Com. Post.

JAMES TILTON,
Adjutant General W. T. Volunteers.

HEAD QUARTERS, FORT STEILACOOM,
November 1st, 1855.

SIR: I have detained Captain Wallace's company of volunteers to assist in protecting this post, in case an attack should be made. Dr. Tolmie, just in from Nisqually, informs me that one of his shepherds saw a band of some twenty Klickitats, just in rear of Nisqually, last night.

I have nearly all the women and children in the country at the post, and will, of course, protect them.

I would respectfully request that all the men in this section of the country be called out, as I am firmly of the belief that we are to have a general Indian war in this vicinity.

Send me down cartridges at the earliest moment, as it is reported the Indians are to make an attempt at taking our fort to-night. This is just a report, but I wish to have plenty of amunition, and I am rather short just at this time.

With great respect, I have the honor to be, your most obedient servant,

JOHN NUGEN,
Second Lieutenant 4th Infantry, Com. Post.

JAMES TILTON,
Adjutant General W. T. Volunteers, Olympia.

These letters show the cordial relations between the regular and volunteer service in the Territory, when the difficulties first occurred. Such had been our relations from the first organization of the Territory. Such they continued to be until the veteran commander of the department of the Pacific pronounced the war the act of unprincipled white men—as having been got up as a matter of speculation; denounced authorities and people as Indian exterminators, refused to recognize the necessity of calling out volunteers, and endeavored entirely to ignore them when in the field.

However, this same commander did finally call upon me in March for two companies of volunteers for the defense of Puget Sound, which I refused to respond to for reasons given in full in the official correspondence.

It is a fact well known on that coast to the officers of the Hudson's Bay Company, that the Indians of southern Oregon have always been so hostile that the employees of that Company did not dare to trap there. Parties passing through there to California never ventured to stop there for a day. I have this from the chief factor of the Company, at Vancouver. I need not go over the ground in southern Oregon, for it has been fully occupied by the distinguished delegate from that Territory.

Here, then, was the origin of this war—a war entirely unprovoked—a war caused by no bad conduct of our people, but caused altogether by the feeling of antagonism between the two races. The Indians there had heard of Indian difficulties on this side of the Rocky Mountains, and it was a combination with them to drive the whites out of the country.

Mr. CURTIS. I wish to say to my friend, at this point, that his country, in respect to this charge of the Indian difficulties having been commenced by the whites, is precisely in the same situation that our whole Indian frontier has been for the last ten years. Whenever there have been hostilities, there are traders and others who have carried abroad the idea that the first assaults were made by the whites. Never mind what atrocities have been committed by the Indians, such are the reports circulated. It has been in my experience, and I have no doubt that such is the case in Oregon and Washington, that the Indians are always the aggressors.

And I accord my testimony to that of the gentleman, that these charges against the white people of the frontier are most unjust. I had no opportunity before to reply to the remarks of the gentleman from Virginia, (Mr. GARNETT,) who insinuated that all these Indian wars were got up on speculation. I recollect that many years ago Indian wars were quite as common as on the frontier; and I would like the gentleman to say whether, when John Smith had charge of the Virginia colony, he was not provoked by Indian warfare, and had not his calamities with them as we have at this day?

Mr. SMITH, of Virginia. They were not so expensive.

Mr. CURTIS. But they destroyed your colonies. There was nothing but your bones left. Your soil was red with the blood shed in the Indian wars, and the history of the country shows that that has been the character of this warfare.

Mr. STEVENS, of Washington. I am greatly obliged to my friend from Iowa for the remarks which he has made. I know, myself, that in 1853, I had a strong feeling that there was much of outrage committed by the whites upon the Indians, and that that was the prolific cause of Indian wars. But, as I became acquainted with the frontier population, and as I came to know facts as they were, my mind was changed, and I here declare, on my responsibility, that the charges are utterly unfounded.

Mr. Chairman, in regard to the military operations undertaken in these two Territories, I desire to say a few words. I shall mainly confine my observations to the operations at Walla-Walla, for that is the salient point of the whole business. It is admitted on all sides that there was a war in southern Oregon and on Puget sound, in the Territory of Washington, and that it became absolutely necessary that the white settlers should organize for defense. But it has been said that the advance of the volunteers upon Walla-Walla, drove the Indians into hostility; that the Walla-Walla chief, Pu-pu-mux-mux, was friendly; and that even when the volunteers reached the valley he endeavored to make peace; that he was treacherously slain under the protection of a flag of truce; that the volunteers commenced the attack, and that the Indians resisted simply to get in safety their women and children. The fight of the Walla-Walla was a four days' fight. I was moving at the time from the Spokane to the Nez Perces country. I was in the midst of an Indian council with the Nez Perces, making my arrangements with that tribe to get the services of its warriors, to force my way through the hostile Walla-Wallas, Cayuses, and other tribes under the lead of Pu-pu-mux-mux, to the settlements, when the news came of that fight. The Indian, who had rode one hundred miles the previous eighteen hours, told all the circumstances of that fight, at one end of the council lodge, to the Indians there assembled, and it was interpreted to me, sitting in council, at the other end. I had previously conferred with the chiefs of the Nez Perces tribe and with the chiefs on the Spokane, in order to satisfy myself of the attitude of Pu-pu-mux-mux. I became satisfied it was one of unmitigated hostility. When I reached the Nez Perces country the chief Joseph, the third chief of the tribe, an old man of over seventy years of age, had returned but a short time from a mission of peace to the Walla-Walla. He had endeavored to dissuade Pu-pu-mux-mux from going to war. But Pu-pu-mux-mux

drove him away with scorn and contumely, telling him, "I am the *chief* here; I am like yonder mountain, above other men. I counsel with no man. Go home! Perhaps your own people will listen to you." Joseph then went to the Cayuses, and saw their chiefs—the Young Chief, the Five Crows, and Camespello—and entreated them to continue friendly. They treated him with the same scorn and contumely as did Pu-pu-mux-mux, the more significant as he was allied to them by blood, being a half-Cayuse. And Josephh went home discouraged and heart-broken. These same facts I had, on reaching the Walla-Walla, from the friendly Cayuse and Walla-Walla chiefs, small in number, who persisted in their refusal to join the war-party. Howlishwampo, Tintemitse, and Stickas, of the Cayuses, and Pierre, of the Walla-Wallas, with their followers, had maintained their friendship at the hazard of their lives, having left the main camp of their tribe and encamped with the settlers who remained in the valley. These settlers were not attacked by Pu-pu-mux-mux and the allied chiefs, because it could only be done by passing over the dead bodies of the friendly chiefs. All these facts I learned before any controversy had grown up, and before I imagined any controversy could possibly grow up in regard to the position of Pu-pu-mux-mux and the allied tribes and chiefs.

A gentleman who has made himself conspicuous by his denunciations of the volunteers and his defense of Pu-pu-mux-mux, has admitted that the seizure of Fort Walla-Walla was an act of hostility; that the appropriating of Government property there, and distributing it among the several tribes, was an act of hostility; that the burning of the houses of all the settlers in that valley was an act of hostility. But that there was convincing evidence that all these acts of hostility were not the acts of Pu-pu-mux-mux, but the acts of the Yellow Serpent. Now Pu-pu-mux-mux and the Yellow Serpent are one and the same man. Pu-pu-mux-mux, in the Walla-Walla tongue, Serpent Jaune, in French, and the Yellow Serpent, in English, are the several names of this renowned chief, known to all voyagers and well-informed men in that country, and well known to myself. And this Indian chief, whether he be called Pu-pu-mux-mux, Serpent Jaune, or the Yellow Serpent, was guilty of the acts of hostility above enumerated, and this too by the admission of Pu-pu-mux-mux's defender and apologist.

The record evidence is overwhelming and conclusive of Pu-pu mux-mux's hostility. It was early reported by the Indian agent on the ground. It was testified to by all the settlers of that valley, and by the factors and employees of the Hudson's Bay Company posted at Walla-Walla. And the record evidence is equally overwhelming and conclusive that all the charges of Pu-pu-mux-mux being entrapped by a flag of truce and treacherously killed, are utterly unfounded. The officers, the Indian agent, and the interpreter, present at the first conference—every eye-witness, and they are men of unimpeachable honor and integrity, present at his death, agree as to the essential facts. Pu-pu-mux-mux did approach the volunteer camp with a flag of truce, and a conference was held. Col. Kelly, in command of the troops, refused to receive him, except as a prisoner. Pu-pu-mux-mux went to his camp as a prisoner, his object being to gain time in order to concentrate the Indian forces; and also by cunning and management to induce the troops to occupy a position where he could attack them with advantage. On his reaching camp Col. Kelly still refused to receive Pu-pu-mux-mux on any other terms except as a prisoner, and offered to let him go home. Pu-pu-mux-mux continued with the volunteers, recieving from them kind treatment, and, as he stated, sent word to his people to keep friendly. The volunteers marched towards the Indian camp, Pu-pu-mux-mux accompanying them, when they were attacked by Pu-pu-mux-mux's people. In this manner the action commenced, and while it was going on the chief endeavored to make his escape, and was killed whilst furiously attacking his guard. He was killed while struggling with his guard and endeavoring to wrest the gun of his guard from his hands. This action lasted four days, resulted in a complete victory over the Indians, and drove every hostile Indian to the northward of Snake river. Its effect on the Indian mind was prodigious, as I personally know from my own intercourse with the Indians of the interior at the very time.

Mr. Chairman, this movement on the Walla-Walla, therefore, did protect

our frontier. It maintained the peace of the interior for the long winter of 1855–'56. In this connection I desire to refer to the general order emanating from the conqueror of Mexico, Lieut. Gen. Scott, complimenting the valiant officers and men of the army, who made an expedition of twelve days against the Apaches of New Mexico. It was an expedition of eight companies—four hundred men—moving against one of the nomadic tribes of the far-famed Apaches. In that general order, twelve officers and twenty-six men are mentioned as having particularly distinguished themselves. Here are three reports, (holding up the open volume containing them,) one from Col. Bonneville, a gentleman well known to me; another from Captain Ewell, a friend of my youth, three years with me at the Military Academy, a most gallant and meritorious man; and the third from Col. Miles, giving all the details of this action. It was not a case simply of soldiership, but of conduct. It was not enough that the men were brave, but they must be well managed. It was a case of tactics and strategy, of flanks, and rears, and reserves.

These reports show that eight companies of troops—400 men—pursued, overtook, fought and defeated—how many? Forty warriors. There is your feat of arms! made the subject of a general order; in which twelve officers, and twenty-six men, are reported for distinction. I speak of it with entire respect. The gallant Scott knew full well that the disparity of force did not make the affair ridiculous.

Now, gentlemen, go with me to the distant Territories of Washington and Oregon, and to the plains of the Walla-Walla, where 300 volunteers fought seven hundred Indians, for four days, and defeated them, killing some seventy Indians. Go with me to the Grande Ronde, where the gallant Col. Shaw, with one hundred and sixty volunteers of Washington, fought three hundred Indians, killing some forty, and striking a great blow upon the hostile Indians. Go with me to the battle of Connell's prairie, on the shores of Puget Sound, where one hundred and sixty volunteers fought two hundred Indians, and defeated them, killing thirty of their number.

This movement of Shaw's was something more than a twelve days march. Three columns of troops moved simultaneously from the sound, from the Columbia Valley, and from the Nez Perces country, meeting at the Walla-Walla, within a single day, and then a vigorous movement with a portion of this force was made across the Blue mountains, a forced march, some sixty miles in one night and a day, when the enemy was struck and completely routed. The troops from the sound crossed the Cascades, snow still on the mountains, and marched some tree hundred miles to the point of rendezvouz. Of all these three columns the arrangements were complete, and the means of transportation ample, the column from the Dalles having in their train forty-five wagons, carrying not only supplies for the troops, but a large quantity of provisions for the friendly Indians.

Sir, I say, all honor to the officers and men who conquered the Indians in New Mexico; but, I ask the Committee, also, to do like honor to the volunteers of Washington and Oregon, who fought the Indians, always being outnumbered, and sometimes more than two to one. I ask, for the people of those Territories, the same measure of justice which has been rendered to the people of New Mexico and the people of Florida. There have been Indian difficulties in Florida, and, within two years, you have had twelve companies of regulars there, and, at least, six companies of volunteers. And, I thank God, that Florida was near enough to the Federal Capital for its governor to come here, post haste, and to procure the recognition of the services of the volunteers of Florida by the General Government. Sir, that force was unquestionably necessary; they fought the Indians. and now, when they have subdued them, it appears that there were about one hundred and sixty-two Indians there, including women and children. You sent that force against less than one hundred warriors, and the expenses incurred by the Florida volunteers have been paid, and paid promptly, by this Federal Government. So with New Mexico: the expenses of the volunteers in New Mexico have been paid by the General Government, and the provision to pay them was put in the army appropriation bill. So in the case of California: Congress made an appropriation to pay the Fremont riflemen, and organized a board of three army officers to inquire into the

balance of the claims. The army officers made an examination; they reported to the Secretary of War, and, at the very next session of Congress, their awards were provided for in the army appropriation bill. The army appropriation bill, of the session of 1853 and 1854, contained an appropriation of nearly one million of dollars, for paying the volunteers of California, for expenses incurred in suppressing Indian hostilities previous to 1854.

We ask the same measure of justice for the people of our Territories that has been already extended to people nearer to you—in Florida, New Mexico, and California.

I desire now to dwell, for a few moments, on another topic. I contend that the expenses were economical; that they were small; that they were much less than any intelligent and disinterested man, after looking into all the facts, would expect them to be. We had in Washington eighteen hundred and ninety-six men enlisted, and their average term of service was one hundred and twelve days. The total expense of each man, exclusive of pay, was but little over $500—($507 32.) What is the expense, per man, in the regular service? It was about $1,000 a year, last year, and throwing out the pay, it was about $850. That is the expense of troops in the regular service—a large proportion of whom are stationed at the forts and depots on the Atlantic, the Gulf, the Lakes, and the Mississippi river and its tributaries, at points accessible to steamboat navigation. But, sir, when you come to compare the expenses of the regulars with the volunteers, I shall insist that you compare them in like conditions. It will not do to compare the expenses of the volunteers in Oregon, on the plains of the Walla-Walla, one hundred and fifty miles from our settlements, protecting those settlements by their gallantry and conduct throughout the winter of 1855–'56, with the expenses of the regular troops lying in their rear, at this very time in garrison at the Dalles, the Cascades, and Vancouver. You must compare their expenses in the field with the expenses of the regulars in the field. Compare the expenses of the volunteers, in their campaign of the Walla-Walla, with the expenses of the regular service in its campaign of the Yakima, and, my word for it, you will find that our expenses were the smallest, per man. In this estimate I mean to include transportation from the depots, at home, as a charge upon the regular service. That is my deliberate judgment from a careful examination of the matter. And here, in this comparison, I shall have a charge to make against the regular service. I shall insist that the nineteen dead bodies left on the ground at the Cascades, in consequence of Col. Wright advancing upon the Walla-Walla, and leaving his rear unprotected and insecure, be taken into the account. He did not leave a sufficient garrison at the Cascades. It was attacked by the Indians, held in their possession, (with the exception of one block-house and one house) for twenty-four hours—every house, except these, was burned; nineteen persons were slain, and it compelled a retrograde movement of Wright, already in march for the Walla-Walla, finally caused the abandonment of that movement on the Walla-Walla, and the organization of a new campaign into the Yakima country. Let all these things be taken into the account in a comparison between the services, for, I affirm, no such military blunder was committed in the volunteer service.

Sir, I make no point against the regular service. I was bred in that service, and have given to it fourteen years of faithful service. There I have all my early friends; there many of the warmest friends of my manhood now are, and I thank heaven that through all the controversies we have had there in reference to affairs in those Territories, those men are still my friends. They are ever ready to do their duty; but during the winter of 1855 and 1856 the frontier east of the Cascade Mountains was protected by the volunteers, while the regulars were in garrison. That is a fact which should stand out, and which I have brought out on this occasion.

Mr. Chairman, objection has been made to the allowance, by the commissioners, of two dollars a day for each enlisted man, and two dollars a day for each horse. And yet I have here an official document from the Quartermaster General showing that no laboring man, no packer, no teamster was employed in the regular army in these Territories during that Indian war for less than sixty dollars per month, and that their pay ranged from that up to $90 per month. I find that for pack mules they have invariably paid three dollars a day. If,

then, the regular service is obliged to go into expenses like these in that country, paying on an average two dollars and fifty cents a day for common hands, and paying it in cash, why should you object to the volunteers being paid two dollars a day, who have already waited two years for payment? If the regular service has paid for pack mules three dollars a day, why should you object to pay two dollars a day for the horses used by the volunteers? Sir, these are pregnant facts.

But there is another topic which I wish to dwell upon for a moment, and that is the employment of troops for short intervals. I desire to correct an erroneous impression made by reports, which have emanated from the Adjutant General's office. In these reports the expenses of volunteers or militia (who served simply for three months or more) are compared with the expenses of the regular establishment, where the expenses of recruiting and discharging are distributed, over the entire period of enlistment of five years. And in these same reports, also, the expenses of our volunteer service in those two Territories are compared with the expenses of a regiment of infantry simply in depot, having no expenses whatever in the way of movements of troops.

Now there are certain large contingent expenses incident to raising troops, bringing them into the field, and discharging them. In militia or volunteer service it is distributed over a period of three or six months. In the regular service, over a period of five years. To institute a comparison, therefore, between the expenses of the regular and volunteer service for a period of three or six months, these expenses should be thrown out altogether, or the whole of it in each case be included for the equal period of comparison; otherwise a very heavy charge will be made upon the volunteer service and held up against them to their disparagement, when the expense is not because the troops are volunteers or militia, but because they are *troops raised for short intervals of time.*

So it is very unjust to compare the expenses of our volunteers with the expenses of infantry in depot. The proper comparison is between the expenses of our foot and horse in the field, in these Territories, with the expenses of the foot and horse of the regular service in the field in those Territories.

But this is not all. If, in an emergency, you do not resort to volunteers, what will you do? You must institute a new military system, increase your army largely, and have in depot surplus troops for any emergency which may arise. And, therefore, the true and only just comparison of expense is a comparison of the expenses which we incur under our military system, relying upon the militia and volunteers of the country in case of emergency, and of the only system that can take its place, viz: that of a large standing army.

Suppose that in our Indian difficulties you had this large standing army, and that there had been a surplus of troops at the depots at home to send out there. When you take the cost of transportation, the cost of recruiting, the cost of getting them to the field of action—you would find in the case supposed that there would have been an expense of two or three hundred dollars a man, at the very point where the expenses of the volunteers commence. And then when the emergency was over you would have the cost of sending them home again. You, gentlemen, can compute the cost for yourselves. I ask again—if you did not have the volunteer service, what would you do? You must have a standing army large enough for any emergency, doing nothing nine years out of ten. But such statements and comparisons as these, the only just and proper ones, are not made in these reports; and yet, the mere statement of it will convince the mind that they are just and sound statements and comparisons. If you take the view I have presented, it will be found that in our territories, the expenses of the volunteers per man is much less than the expenses of regulars, if sent from the States there and sent back, as must necessarily have been the case had you been obliged to rely upon regulars alone. Our means of transportation were more economical. We used ox-trains instead of mule-trains, and we carried fifty per cent. more freight per employee than was carried in the trains of the regular service. That is a fact known of all men there. We made at least as rapid trips as the regular service, and we showed that oxen were the proper animals for wagons in that country.

But every effort was made to reduce expenses, and the effort was a successful one. All allowance of extra pay for fatigue service was prohibited in orders,

and the accounts for such service were disallowed and thrown out. No such accounts were submitted to the commissioners appointed by the Secretary of War under the authority of Congress. This was deemed by many very unjust at the time, as payment for fatigue service was recognised in the army, and the rates established by act of Congress. Our troops did a very large amount of fatigue service, as shown in the block houses built by them and the roads cut out by them; one company was especially raised for fatigue duty, and was called the Pioneer company; most of its members were mechanics, or very experienced axemen, and for many months they were constantly employed at fatigue service. It was emphatically a company of Pioneers as well as a company of fighting men; the Indians making the first attack upon them whilst cutting out a road at the battle of Connel's Prairie.

I refused Mr. Chairman to allow any extra compensation for fatigue service, because I expected the pay of our troops would have some relations to the price of labor in the country; and for a temporary rapid service organized for an emergency, I did not think the idea of extra pay for fatigue service should be countenanced.

In the disposition of public property in the volunteer service of Washington, every exertion was made to guard the rights of the Government. I refused to allow any volunteer to retain one animal even on an appraisal by the officers of the Quartermaster Department, the same to be charged upon the muster-rolls against his pay, but directed every animal to be disposed of at public auction. Everything was sold at public auction for the scrip issued in purchasing. The sales amounted to nearly one hundred and forty thousand dollars, and to this amount was the war debt reduced by these sales. The sales were at a considerable advance on the original cost. Horses which cost from $250 to $400 brought from $200 to $600. Wagons costing $200, were readily sold at $300; and oxen were disposed of at thirty per cent. above cost. This too, after the property had been of course deteriorated by six months active service.

The report of J. Ross Brown, Special Agent of the Interior Department, gives so graphic a picture of the condition of the Territory, in 1857, the year following the war, that I cannot do better than quote from his report, as follows:

"On the road from the Cowlitz Landing to Olympia, a distance of fifty miles, the whole country bears distressing evidences of the disastrous effects of the late war. In 1854, when I first passed through this region, it abounded in fine farms well cultivated, and bearing luxuriant crops of grain. Immigration was rapidly filling up all the vacant lands; and large herds of stock were grazing upon the prairies. From the signs of prosperity then apparent, it was not unreasonable to predict that in the course of three years the products and population would be more than doubled. But, notwithstanding this region was exempt from any actual collision with the Indians, the effects are nearly the same as in other parts of the Territory. All along the road houses are deserted and going to ruin; fences are cast down and in a state of decay; fields, once waving with luxuriant crops of wheat, are desolate; and but little, if any, stock is to be seen on the broad prairies that formerly bore such inspiring evidences of life. The few families that remained, either from necessity or inclination, were forced to erect rude block-houses for their defense, into which they gathered by night during the hostilities, in constant apprehension of attack. These rude defenses still stand at intervals along the road. I mention these facts with a view of showing that, so far, at least, the 'war speculation' charged upon the settlers of Washington Territory presents an unprofitable appearance."

There was erected in the Territory, during the war, thirty-one block-houses by the volunteer troops, twenty-one block-houses by the citizens, without assistance, and some seven block-houses by the troops of the regular service. Some of these block-houses were large establishments, there being space enough inside the pickets for small houses for the families of the neighborhood, the block-houses intended to protect. The name and site of each block-house, as well as the roads and trails cut out by the volunteer service is given in an official document published by order of the Legislature of Washington.

Of the whole number of eighteen hundred and ninety-six enlisted men in the Washington volunteers, two hundred and thirty-six were friendly Indians, and

two hundred and fifteen citizens of Oregon, leaving fourteen hundred and forty-five citizens of Washington in service from October, 1855, to September, 1856. Their average term of service, as I have before observed, was one hundred and twelve days. Thus it will appear that nearly seven-eighths of our citizens served nearly four months during that war—an amount of service that has not certainly its parallel in this, and probably in any other country.

In Washington, the volunteers were nearly equally divided between foot and mounted troops. There were one thousand and seventeen men who served as cavalry, and eight hundred and seventy-nine who served as infantry. The operations on the sound—a large portion of the country being very heavily timbered and there being in the timber dense underbrush and fallen logs—required that the troops should be principally foot troops. The operations in the interior, it being mostly a prairie country, that all the troops should be mounted. The greater vigor and success of the volunteer operations East of the Cascades, over those of the regular service, were due very much to the fact that the volunteers were well mounted, whereas the greater bulk of the regular force was infantry. The volunteers were, however, very superior in all the qualities of service to the regulars. There was scarcely a man in the volunteer service who had not crossed the plains, become inured to all the routine of camp life, and thoroughly accustomed to moving in that country, either on his horse over the prairie, or on foot through the dense forests.

We had no difficulty whatever in raising foot troops, nor in dismounting our horse troops, when, as on the Sound, the operations extended from the prairie region, at the head of the Sound, to the wooded regions eastward, where horses could not be used.

The remarks, Mr. Chairman, of Mr. J. Ross Brown as to the causes of the war, are so pertinent and so just that I will give them at length:

"Kam-i-y-a-kan, the chief of the Yakimas, was bitter in his animosity. As early as 1853 he projected a war of extermination against the whole race of Americans within the country. It was his settled determination to make the war general, and he spared no inducements to affect a coalition with the Nez Percés, Cayuses, Walla-Wallas, and other tribes. For your information on this point, showing that war actually was premeditated in 1853, I send you enclosed a translation of the letter of Father Pandory, priest at the Atahnam Mission, dated 'April 1853,' to Father Mesplie, at the Dalles, in which he says: 'A chief of the upper Nez Percés has killed thirty head of cattle at a feast given to the nation; and this number of animals not being sufficient, seven more were killed. The feast was given *in order to unite the hearts of the Indians* to make declaration of war against the Americans. Through the whole course of the winter I have heard the same thing—that the Cayuses and Nez Percés have united themselves for war. During the course of last sping I was in the Cayuse country after they had given a similar feast. I said nothing because I thought that they had a sub-agent who would speak. * * I will recount to you what they say. All the Indians upon the left (north) bank of the Columbia, from the Blackfeet to the Chenook, inclusive, are to assemble at the Cayuse country. All on the right bank, through the same extent of country, are to assemble on the Simcoe, (on the Yakima,) including those from Nisqually and the vicinity. *The cause of this war is, that the Americans are going to seize their lands.*'

"This grave and startling information, so fearfully verified since, was promptly communicated to Major Alvord, who reported it to General Hitchcock, the then commanding officer of the military department on this coast. Major Alvord was censured as an alarmist, and Father Pandory was treated in the same manner by his superior.

"It will be observed that the date of the letter is April, 1853. If the war, therefore, was one of speculation, gotten up by the settlers of Oregon, the scheme should have been frustrated then. Information that a war was actually going to take place—that the Indians had avowed it in council—was in possession of the commanding officer of the military department. Why did he not expose the speculation? Why did not the departments in Washington issue orders to the governors of the Territories, apprising them of their knowedge of this scheme, and cause it to be then arrested? Simply, as I conceive, because

no such scheme was ever contemplated, either then or since. The settlers only asked protection for their lives and property; and after both have been freely sacrificed, the charge is, for the first time, brought against them.

"But to return a moment to the combination. As no change took place in the Hudson's Bay Company's posts after the treaty of 1846, and their possessions and appearance of power remained the same as before, the Indians, up to a very recent date, regarded the Territory of Washington as under the influence of 'King George.'

"The Nisqually's and other tribes of Puget Sound, whose chief intercourse had always been with 'King George' men, naturally shared their animosity against the Americans. When Governor Stevens treated with them, he found them in a very disaffected condition. It was with difficulty the chiefs could be gotten together. Something had to be done with them, and, under the circumstances of difficulty attending the making of these treaties, I am satisfied no public officer could have done better. The treaties were not the cause of the war. I have already shown that the war had been determined upon long before. If Governor Stevens is to blame because he *did not so frame the treaties as to stop the war*, or stop it by not making treaties at all, then that charge should be specifically brought against him.

"Leschi, the celebrated Nisqually chief, was most determined in his hostility. Bold, adventurous, and eloquent, he possessed an unlimited sway over his people, and, by the earnestness of his purpose and the persuasiveness of his arguments, carried all with him who heard him speak. He travelled by day and night, caring neither for hunger nor fatigue; visited the camps of the Yakimas and Klickitats; addressed the councils in terms of eloquence such as they had seldom heard. He crossed the Columbia, penetrated to southern Oregon, appealed to all the disaffected there. He dwelt upon their wrongs; painted to them, in the exuberance of his imagination, the terrible picture of the '*polakly illeha*,' the land of darkness, where no ray from the sun ever penetrated; where there was torture and death for all the races of Indians; where the sting of an insect killed like the stroke of a spear, and the streams were foul and muddy, so that no living thing could drink of the waters. This was the place where the white men wanted to carry them to. He called upon them to resist like braves so terrible a fate. The white men were but a handful now. They could all be killed at once, and then others would fear to come. But if there was no war, they would grow strong and many, and soon put all the Indians in their big ships and send them off to that terrible land, where tortue and death awaited them.

"It may readily be suposed that a rude and ignorant people, naturally prone to superstition, were not slow in giving credence to these fearful stories. Each tribe had its grievance from the north to the south. Common interest bound them in their compact against a common enemy.

"The Mormons, at this time, had also sent their emissaries among them to spread the disaffection, In the Simcoe, at a council of the tribes in 1854, a chief from the Monmon country urged them to war. The talk of this chief, as detailed by a friendly Indian who was in the council, was to this effect: That far in the desert there lived the greatest people on earth, who controlled the sun. He had been among them and talked with them, and they had sent him here to say what they were. They could strike dead anybody at any distance; they could make the sun stand still; they could make powder and muskets, and they were the friends of the Indians. The Americans were the enemies of the Indians. They wanted the Indians to kill them all. They would send them powder and muskets, &c.

"That the Mormons did furnish several of the tribes with ammunition is proved by the narrative of Captain Shaw, of the Walla-Walla volunteers. At the last battle fought up there, he found powder, muskets, balls, &c., among the Indians bearing the Mormon brand.

"George B. Simpson, late interpreter and local agent at the Cascades, who originally came to Salt Lake as an agent for the Salt Lake mails, states, from his own knowledge, that the Mormons sent out emissaries among all the tribes of Indians prior to the war, urging them to unite in exterminating the Americans.

"But the plan of operations had not been sufficiently matured. Some of the

tribes were too impatient to wait till the proper time had arrived. In the summer of 1855, after the discovery of the Colville mines, a general rush took place there. The first man murdered was Mattice, a miner, who was on his way there with a considerable amount of money and provisions. He was killed soon after desending the Snoqualimie pass by a party of Indians supposed to be Yakimas. Near the same time, Fantjoy, another miner, was killed. These were both respectable men from the State of Maine. They were proprietors of a coal mine on the Danamish. The murders on the White river occurred some two months after. Agent Bolon, hearing of the Yakima murders, crossed over from the Dalles to see the chief Kamiakin. Ouahi, another prominent chief, was present in camp. Bolon spent the night there, no doubt remonstrating with them for their acts. Next day, as he was riding back, he was overtaken by two or three Indians, who rode along with him in an apparently friendly manner. One lagged behind, and, while the others engaged his attention, shot him in the back. He was then dragged from his horse, scalped and partly burnt. One of the murderers is said to be a son of the chief Ouahi.

"On the 8th or 9th of October the Indians of southern Oregon began the work of extermination. They slaughtered, indiscriminately, men, women, and children. At or about the same date the war had opened in Washington Territory. The movement was simultaneous, and could only have been the result of concert; but the Indians themselves have since freely admitted that their plan embraced all parts of the country from north to south.

"I will not undertake to follow up the history of the war to a later period. Its peculiar features have been represented officially on both sides, and its progress and termination are matters of public record.

"Upon a careful perusal of all the despatches, I find nothing to sustain the charge of speculation. No person can visit the Territories of Oregon and Washington, converse with the people, see them on their farms and at their daily labors, and consider their true interests, without coming to the conclusion that such a charge is absurd and monstrous. What could they hope to gain? Few of them had anything to spare upon which to base a speculation. A farmer is well off who has his fields fenced in, a few head of oxen, and three or four cows. If he got treble price for his stock, the sale, upon an unlimited credit, would have been a sacrifice to him. His farm must go to ruin. The interests of the settlers of nearly every pursuit are nearly identical. Their future prospects depend chiefly upon the prosperity of the country, the increase of emigration, enhancement in the value of property, security of life, opening of new facilities for the transportation of their products. All this was diametrically opposed to a war. No compensation that government could make would atone for the murder of families, the stoppage of labor everywhere, the loss of time, the suspension of emigration, and the numerous evils resulting from this disastrous conflict.

"The commissioners at Vancouver have faithfully and impartially performed their duty. Whatever sum they may have decided upon in estimating this war debt, I hold that amount to be justly due, and trust that Congress will at once provide for its extinguishment."

In conclusion, Mr. Chairman, I ask for the people of those Territories, prompt and equal justice at the hands of this Congress; I ask, in the name of their patriotism and heroic services and sufferi[illegible], for the immediate liquidation of their claims. A commission appointed under its authority—a commission representing this Government, and not the people of these Territories—a commission, who, if they had any bias or prejudice, were biased and prejudiced against us, have investigated the whole question, have made their awards, have submitted their report, and that report with the approval of the War Department, is now before Congress. We ask firmly and emphatically for the endorsement of this report, and the payment of these awards, the present session of Congress.

SPEECH

OF THE

HON. W. M. STEWART,

OF NEVADA,

IN THE UNITED STATES SENATE, FEBRUARY 21, 1865.

A BILL providing for a District and Circuit Court of the United States for the District of Nevada, and for other purposes, being under consideration, MR. STEWART and other Senators debated it on its merits and on propositions to amend, as follows:

MR. STEWART—

Mr. PRESIDENT: When I was cut off by the order of business which intervened the other day, I was addressing myself to that portion of the amendment which relates to the compensation to be paid to the clerks, and marshals, &c., of these courts in Nevada. I was endeavoring to show that there was no good reason why a different compensation should not be allowed in Nevada from that allowed throughout the United States; in fact that every reason of justice was in favor of allowing such compensation as would enable the officers to perform the duties imposed upon them by the bill. It is hardly worth while to organize courts there unless we can have officers sufficiently paid to discharge the duties. We have been particularly annoyed in Nevada Territory by the insufficient compensation paid to officers. They were sent among us with not sufficient compensation to pay their board bills, and they have been subjected to all manner of temptations. In examining the organization of different courts I find there has been no regard paid to uniformity so far as compensation is concerned. Different district judges in different localities receive different compensation, regulated by the expense of living, the amount of business, and other considerations.

The fees allowed in this proposed amendment are entirely inadequate; for instance, ten cents a mile to the marshal for traveling expenses to serve process. In the State of Nevada, if process is to be served in a distant portion of the State, for instance at Rees River, one hundred and eighty miles or more, the compensation would be eighteen dollars. The stage fare each way would be forty dollars, and it would take the marshal eight or ten days, at an expense, counting only the mere expense of his living, of twenty or twenty-five dollars more; and thus he would be the loser of

nearly one hundred dollars in attempting to serve process at a distant point. That simply illustrates the whole project of the Committee on the Judiciary; it is entirely inadequate. The original House bill, as a matter of economy, is better than the substitute proposed by the committee, for the reason that it provides but one clerk for both the district and circuit courts, which is entirely ample, and it only requires one clerk's office, which will be a saving of at least $100 a month to the Government, and that will more than compensate for all that the Government will have to pay for the additional fees.

But I will say no more upon that point. It seems to me it is too plain for argument that those things should be regulated in accordance with the condition of the country. When Senators reflect that in many parts of the State of Nevada the cost of freight, whereby we get our provisions, is from eighteen to twenty-five cents a pound, they will see that there should be a different compensation allowed to us. There has been a different compensation allowed in California and Oregon, showing that there has been no adherence to this supposed rule.

But the most objectionable and the most important feature of this whole measure, is the sixth section proposed to be inserted, and this is a matter of very grave importance to the people that I represent:

SEC. 6. *And be it further enacted*, That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States, upon any record from the Supreme Court of the Territory of Nevada, may be heard and determined by the Supreme Court of the United States, and the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the District Court of the United States for the district of Nevada, or to the Supreme Court of the State of Nevada, as the nature of said appeal or writ of error may require, and each of these courts shall be the successor of the Supreme Court of Nevada Territory as to all such cases, with full power to hear and determine the same, and to award mesne or final process thereon. And from all judgments and decrees of the Supreme Court of the Territory of Nevada, prior to its admission into the Union as a State, the parties to said judgments and decrees shall have the same right to prosecute appeals and writs of error to the Federal courts as they would have had under the laws of the United States if this act had been passed simultaneously with the act admitting said State into the Union.

My first objection to this provision is that it is unprecedented. I have not been able to find legislation of this character in any of the statutes of the United States. My second objection to it is that it is unconstitutional; and my third objection is that it is highly prejudicial to the interests of our new State. It is not asked for by the delegation from the Pacific, and not asked for by the people that we represent. The bill as it came from the House of Representatives is agreed to by the whole Pacific delegation. The only act that is at all analogous to this is the one for Minnesota which was passed simultaneously with the act admitting Minnesota into the Union, and which, if constitutional, must be regarded as constitutional upon the hypothesis that the Government can impose conditions upon the admission of a new State. I am not aware, however, that this provision in the act admitting Minnesota has been upheld by the courts. One case was deter-

mined by the Supreme Court of the United States from Minnesota, after its admission; but this question of jurisdiction was not raised in that case.

The proposition here is by an act of Congress to give the Supreme Court of the United States jurisdiction of cases that are of State cognizance. By what authority it is proposed, when it is once lost, to confer this jurisdiction upon the Supreme Court of the United States, after we have become a State, I am not able to see. The only jurisdiction that your courts can exercise in the State of Nevada now is Federal jurisdiction under the Federal Constitution. The cases now appealed to your Supreme Court from the territorial courts may or may not be of Federal jurisdiction. They probable are not; but at all events they did not originate in the Federal courts, do not come from the Federal courts, and, so far as my knowledge is concerned, none of them are of Federal jurisdiction. It was stated here that there were two of the cases to which reference has been made in which the Government of the United States was a party. I have examined the matter, and, as I supposed, it is a mistake. There are two tax cases in which the Territory of Nevada was a party. Those cases were decided in favor of the Territory; and if this bill should pass, as proposed to be amended, it will reopen those cases against the interests of the Territory. There are two or three other cases, one or two of money demands, and one or two mining cases before the court.

Now, to show that this amendment, if passed, would be unconstitutional, I beg leave to refer the Senate to a few decisions bearing upon this subject. The Territory of Florida, previous to its admission as a State, was organized as the other Territories are, with territorial courts, under the general power of Congress to organize and control the Territories, and not under the judiciary act. Florida was unconditionally admitted as Nevada has been.

The constitution of Florida provided for the continuance of territorial courts until the State organization should go into operation. After the admission of that State the Legislature thereof passed an act transferring causes of State jurisdiction to the State courts. Subsequent to this, Congress passed an act transferring Federal causes to the United States district court of Florida. The case before me of Benner *vs.* Porter was one of Federal jurisdiction, commenced in the territorial court after the admission of the State, and transferred under the act of Congress to the district court of the United States for the district of Florida, and by appeal from that court to the Supreme Court of the United States. Although the identical question now under consideration was not before the court, yet the general principles laid down in that cause shed some light upon the points in review.

The Supreme Court of the United States held that the State having been unconditionally admitted, although the territorial courts were continued in existence by the constitution of Florida,

although they had a nominal existence still with their old jurisdiction, the Congress of the United States had no concern in the matter; and the court in considering that case——

Mr. JOHNSON. What book does the Senator cite?

Mr. STEWART. Ninth Howard.

Mr. JOHNSON. What page?

Mr. STEWART. The case commences on page 235. The court in considering the case uniformly place stress upon the idea that the State was unconditionally admitted, that it was a sovereign State, and that there was no power in Congress to regulate the jurisdiction of the courts in that State, except the Federal jurisdiction that they derived from the Federal Constitution; that the territorial courts were not creatures of the Constitution under its judicial power. Judge Nelson, in delivering the opinion of the court, said:

"No conditions were annexed, except that she should not interfere with the disposal of the public lands, nor levy any tax on the same while they remained the property of the United States."

And further:

"After the unconditional admission of the Territory into the Union as a State, on the 3d of March, 1845, with her constitution and complete organization of the government under it, by which the authority of the State was established throughout her limits, it is difficult to see upon what ground it can be maintained that any portion of the territorial government or jurisdiction remained still in force.

"The distinction between the Federal and State jurisdictions, under the Constitution of the United States, has no foundation in these territorial governments; and consequently no such distinction exists, either in respect to the jurisdiction of their courts or the subjects submitted to their cognizance. They are legislative governments, and their courts legislative courts, Congress, in the exercise of its powers in the organization and government of the Territories, combining the powers of both the Federal and State authorities. There is but one system of government or of laws operating within their limits, as neither is subject to the constitutional provisions in respect to State and Federal jurisdiction.

"They are not organized under the Constitution, nor subject to its complete distribution of the powers of Government, as the organic law; but are the creations, exclusively, of the legislative department, and subject to its supervision and control. Whether or not there are provisions in that instrument which extend to and act upon these territorial governments, it is not now material to examine. We are speaking here of those provisions that refer particularly to the distinction between Federal and State jurisdiction.

"We think it clear, therefore, that on the unconditional admission of Florida into the Union as a State on the 3d of March, 1845, the territorial government was displaced, abrogated, every part of it; and that no power of jurisdiction existed within her limits, except that derived from the State authority, and that by force and operation of the Federal Constitution and laws of Congress, and especially no jurisdiction in Federal cases until Congress interfered and extended the judicial tribunals of the Union over it."

Then he goes on to discuss further, and says:

"The admission of the State into the Union brought the Territory under the full and complete operation of the Federal Constitution, and the judicial power of the Union could be exercised only in conformity to the provisions of that instrument. By article three, section one, 'the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior.'"

Then he goes on to speak of the various acts at length, and says:

"From the examination we have given to the legislation upon the admission of several

of the new States into the Union, we have found but few instances of any provision having been made in respect to the cases pending in the old government, and those are limited to the transfer of the Federal cases to the district court organized in the new State. In some of the constitutions of the States provision had been made for the pending business of appropriate State jurisdiction, but not in all of them. A very slight attention to the subject by Congress, at the time, would remove all the difficulties that have occurred in several of the States recently admitted.

"Upon the whole, we are satisfied that the territorial government of Florida became superseded on the unconditional admission of the Territory into the Union as a State, on the 3d of March, 1845, and consequently that the court below, whose authority depended upon that government, had no jurisdiction to render the decree in the case, and that the decree must be reversed."

This only bears incidentally upon the question; but I think it involves the same principle. There is a suggestion in it that legislation should occur at the same time that the State was admitted. Perhaps from that decision the idea was conceived of ingrafting the provision to which I have referred in the Minnesota constitution, for it was prior to the admission of Minnesota as a State. But in 10th Howard the court, in referring to the same case, and treating of this question of jurisdiction, plainly declare that the State courts cannot be made the successors of the territorial courts so as to enable the Supreme Court of the United States to send its mandates to them in cases of State jurisdiction; and the doctrine that simultaneous legislation, which might be regarded as a condition of admission into the Union, can confer jurisdiction in a case like the present upon the Supreme Court of the United States, is very questionable.

I will now read somewhat from the opinion in McNulty *vs.* Batty *et al.*, 10th Howard, 72. This was a case that came up from Wisconsin, the writ of error having been issued on the 20th of November, 1847, and the State admitted May 29th, 1848. Here was a case situated precisely as the cases now pending in the Supreme Court of the United States from the Territory of Nevada; it was in the Supreme Court of the United States prior to the admission of the State of Wisconsin into the Union; but what did the Supreme Court say?

"The writ of error having been issued on the 20th of November, 1847, was, therefore, regularly issued during the existence of the territorial government, and the case was pending in this court at the time when that government ceased, and with it the jurisdiction and power of the territorial courts."

After citing the provisions of the act for the admission of Wisconsin, which I need not read, the court said:

"By the admission of the State of Wisconsin into the Union, on the 29th of May, 1848, the territorial government ceased to exist, and all the authority under it, including the laws organizing its courts of justice and providing for a revision of their judgments in this court by appeals or writs of error. This appellate power does not depend upon the judiciary act of 1789, but upon laws regulating the judicial proceedings of the Territory. And these necessarily ceased with the termination of the territorial government.

"In the case of the United States *vs.* Boisdore's heirs (8 Howard, 121,) it is said that as this court can exercise no appellate power over cases unless conferred upon it by act of Congress, if the act conferring the jurisdiction has expired the jurisdiction ceases, although the appeal or writ of error be actually pending in the court at the time of the expiration of the act.

"The cases on this point are referred to in the brief in that case, and afford full

authority for the principle, if any were needed."—1 *Hill*, 328; 9 *Barn. & Cres.*, 750; 3 *Burr*, 1476; 4 *Moore & Payne*, 341.

In the present case, it will be seen that by the act admitting the State of Nevada the Supreme Court of the United States lost all jurisdiction over the cases that were then pending. They were, so to speak, as if they had not been appealed to that court; it lost all power and all jurisdiction over them. The question, then, resolves itself into this, whether, the Supreme Court of the United States now having no jurisdiction under any previous law, being entirely destitute of jurisdiction over these cases, they being really of State jurisdiction and not of Federal jurisdiction, Congress now has the power to confer jurisdiction of them upon the Supreme Court of the United States. It is jurisdiction that legitimately belongs to State authority; it has not been reserved to the Supreme Court of the United States by any act contemporaneous with the admission; it has not been reserved by anything that passed before. This, then, is simply a question whether Congress can confer upon the Supreme Court of the United States authority to hear and determine cases not of Federal but of State jurisdiction. Whether this power could have been saved by a reservation in the act admitting the State it is not material here to consider, but I shall hereafter show that this jurisdiction was not saved.

But the opinion in the case from which I have just read, in 10th Howard, goes further, and strongly intimates that the jurisdiction could not have been saved by any act of Congress, and I think it intimates plainly that an act like that passed in the case of Minnesota would have been unconstitutional. The court say immediately after the passage I last cited:

"The writ of error, therefore, fell with the abrogation of the statute upon which it was founded.

"Besides, since the termination of the territorial government, there is no court in existence to which the mandate of this court could be sent to carry into effect our judgment."

It would be a thing never heard of for the Supreme Court of the United States to send a mandate to the supreme court of a State, commanding it to carry into effect the judgment of the Supreme Court of the United States, in a case of State and not of Federal jurisdiction.

"Our power, therefore, would be incomplete and ineffectual were we to consent to a review of the case. (Palao *vs.* Hunt, 4 Howard, 589.) And had the records been transferred to the district court, as in the Federal cases, we do not see but that the result must have been the same; for the case being one not of Federal jurisdiction, should the judgment be affirmed or reversed, and sent down to that court, it would possess no power to carry the mandate into execution, having no power over the case under the Constitution or laws of Congress conferring jurisdiction upon the Federal courts."—*Constitution of the United States*, art. 3, Sec. 2; *Judiciary Act of* 1789, Sec. 11.

After stating some other matters which I will not take up the time of the Senate by reading, the judge plainly intimates, as I have suggested, that if it had been a part of the act admitting the State into the Union that would not have saved it, for he says:

"In placing the want of jurisdiction, however, upon this ground, we must not be un-

derstood as intimating that if the provisions of the Florida act of the 22d of February, 1847, applied to the case, the jurisdiction could be upheld."

An act passed subsequent to the admission of Florida, provided that cases pending in the territorial courts should be transferred to the United States district court, and heard and determined there, and go from there up to the Supreme Court of the United States, but did not provide that a territorial case pending in the Supreme Court of the United States might be determined there. It was a general act providing for sending territorial causes, pending in the territorial courts, to the district court of the newly organized State, and then appealing them to the Supreme Court of the United States, but did not provide for a case like this, where an appeal is now pending in the Supreme Court of the United States from the Territory of Nevada.

The learned judge says that if that act covered the case, (and his previous discussion had shown that it did not provide for a case already pending in the Supreme Court of the United States,) if it had been passed as a general law applying to all future admitted States, he does not see how it could be upheld.

"In placing the want of jurisdiction, however, upon this ground, we must not be understood as admitting that if the provisions of the Florida act of the 22d of February, 1847, applied to the case, the jurisdiction could be upheld. For, if we are right in the conclusion, that even assuming the record in the case had been transferred from the territorial to the district court of the State, our jurisdiction would still be incomplete and ineffectual, inasmuch as that court possessed no power to carry the mandate into execution, the case not being one of Federal jurisdiction, the result would be the same as that at which we have arrived."

Then we say that this opinion of Judge Nelson, being the opinion of the Supreme Court in that case, clearly intimates that it is impossible upon the admission of a State to provide for retaining jurisdiction of causes, which are properly of State cognizance, in any of the Federal courts, not excepting the Supreme Court of the United States; and certainly after that jurisdiction has been lost, after the State of Nevada has been admitted on an equal footing with all the other States, when there has been no attempt on the part of Congress to reserve to the courts of the United States any part of the jurisdiction, this power surely does not exist. It cannot be claimed that this was a condition of our admission as a State. It cannot be claimed that this case is different than it would be if Congress were to attempt to pass an act that some case of State jurisdiction before a court in the great State of New York should, notwithstanding the Constitution of the United States, notwithstanding the law as it now stands, be heard and determined by the Supreme Court of the United States, and that a State court in New York should be the successor of some other court, and should be subject to the mandate of the Supreme Court of the United States in a matter of State jurisdiction. I cannot see that this case stands in any different position from that.

Again, we claim that the legislation here proposed interferes with vested rights at this time. In these cases judgments have been rendered in the territorial courts. These judgments are now

absolute, and it is no matter how they became absolute so far as the question of power is concerned. We have the right to regard them as absolute. Under these judgments, rights have been secured; under these judgments large improvements have been made upon mining claims that have been determined; under these judgments process has been issued and parties have been put in possession. I regret that I have not a copy of our State constitution before me; I did not bring a copy with me, and I have been unable to procure one here; but I will state for the information of the Senate that our State constitution provides for the transfer of all pending cases and of all judgments from the territorial courts to the State courts, and they have been transferred there and executed there.

It seems to me that the question now presented should be governed by the well-known rule that the Legislature will not interfere with vested rights by way of granting an appeal where one does not exist. That question has been considered and decided, and I need not refer to the authorities upon it. I admit that it is a very nice and delicate point to draw the exact line between vested rights and those that may be regulated by legislation. The decisions are extremely conflicting; but there is one general principle that governs them all: that no legislative act should be passed by any legislative body looking to the past until it clearly appears that there is urgent demand for it. Some such acts have been upheld by the courts, it would seem more because there was an urgent demand for them in the name of justice than because they were strictly constitutional, and that appears to be the reason why there is so much difficulty in drawing the line between what are and what are not vested rights. It is, however, laid down as a general principle that vested rights should not be disturbed. It is a question which has been discussed in almost all the States of the Union, and the impropriety of interfering with vested rights under their constitutions and on general principles has been maintained. In Mr. E. F. Smith's Commentaries on Statute and Constitutional Law and Construction, section 360, he says:

"In Maine, Vermont, and New Hampshire, it has been repeatedly held that the Legislature could not constitutionally pass an act granting an appeal or a review or a new trial in any case between private persons. (Lewis *vs.* Webb, 3 Greenl. R., 326; Dunham *vs.* Lewiston, 4 Greenl. R., 140; Bates *vs.* Kimball, 2 Chip. R., 77; Stamford *vs* Barry, 1 Aik. R., 314.) In the State of Maine the Legislature, in 1824, passed an act granting an appeal from a decree theretofore made by the judge of probate, and directing the judge of probate to allow, and the supreme court to sustain, proceed, and decree in the same in the like manner as if the appeal had been claimed and granted pursuant to an existing law on the day of making the decree. The constitutionality of this act came in question in the case of Lewis *et al. vs.* Webb, above cited. One point made was that it was a judicial act, and therefore transcended the powers of the Legislature, to which this authority was expressly interdicted by article three, sections one and two, of the constitution of Maine. In the decision of this question, Mellen, C. J., said: 'What is the nature of the power exercised by the Legislature in passing said resolve; is it of a legislative or judicial character?' In answering this inquiry, he held: the terms used in the first section, as to three departments of government, were general, and the phraseology of the second section, prohibiting the interference of the departments, was also general. Hence, as in the instance then before the court, a question arose: what exercise of power by

those belonging to one department is to be considered as an invasion of the province of either of the other departments? In reply to this, it might be said at once, that if the Legislature undertake to exercise judicial power, they invade the province of the judiciary, because the constitution and the laws had placed all the judicial power in other hands.

"But the question returns, did the Legislature exercise a judicial power in granting to the appellants the right of appeal? In form they did not; but if it was such in substance and effect it would clearly be a violation of the spirit, if not of the very language of the Constitution. What ever might be considered the nature and character of the decree, since the appeal was claimed, it was very clear that at the time the Legislature passed the resolve it was in full force and virtue, and had been for almost five years. The rights of heirs or creditors in the subject-matter of that decree vested when it was passed, and so remained undisturbed until the resolve professed to grant the appellants leave to disturb them. The ordinary and legal consequence of an appeal was to vacate at once the judgment or decree appealed from; had that effect been produced in the present instance? Or was the decree of the judge of probate in full force then, and the administrator liable to have a second decree passed against him by the court on the same account? Such a decree passed by the court would not operate to relieve the administrator from the effect of the existing decree, unless the resolve and the appeal claimed in virtue of it had completely vacated that decree; and if it was not vacated thereby, why was it not a bar to all proceedings in court when relied upon as such? In fact, this appeal could not be sustained on any other principle than that of its having produced the usual effect of an ordinary appeal; that was, having vacated the decree below. Could the Legislature, by a mere resolve, set aside a judgment or a decree of a judicial court, and render it null and void? This was an exercise of power common in courts of law, a power not questioned, but it was one purely judicial in its nature and its consequences. It was one of the striking and peculiar features of judicial power, that it was displayed in the decision of controversies between contending parties, the settlement of their rights, and redress of their wrongs. But it was urged that the resolve was not liable to objection on constitutional ground; that the resolve went no further than to authorize a re-examination of the cause, to empower one judicial court to review the proceedings of another judicial court, by way of appeal, and thus do complete and final justice to all concerned. It was true the resolve did not in terms purport to transfer property directly from one man to another by mere legislative authority; but it professed to grant to one party in a cause which had been according to existing laws finally decided especial authority to compel the other party, contrary to the general law of the land, to submit his cause to another court for trial, the consequence of which might be the total loss of all those rights and all that property which the judgment complained of had entitled him to hold and enjoy; that is to say, it professed to accomplish, in an indirect and circuitous manner, that which existing laws forbade, and which, by a direct and legal course, could not be obtained; and to perform an act respecting a cause between party and party; an act, therefore, of a judicial character in the simple form of legislation. Such a law could not be reasonable within the meaning of that term, as used in the Constitution in the grant of legislative power."

This writer goes on to discuss the question, and says it makes no difference how it is gotten at, whether by circumlocution or by a direct act.

Having said thus much upon the constitutionality of the proposed provision, and thus much upon its being unprecedented, I come now to present some important questions of policy, and I hope that the Senate will listen and weigh well the considerations which I am to present on this point. It seems to me that they ought to be conclusive.

The Vice President. The morning hour having expired, it becomes the duty of the Chair now to call up the unfinished business of yesterday.

Mr. Foster. I hope that will be laid aside informally until we dispose of this bill.

Mr. Doolittle. I have no objection to allowing the unfinished business to lie over informally in order that the Senator from Ne-

vada may finish his speech; but I do not desire that the unfinished business of last evening shall lose its place.

The VICE PRESIDENT. The unfinished business will be regarded as passed over informally, subject to the right of the Senator from Wisconsin to call it up at any moment.

Mr. STEWART. I now propose to present some reasons of public policy, I think of a high character, so far as we are concerned, why this bill should not pass with the amendments proposed by the committee. In regard to the cases now pending before the Supreme Court, I am somewhat embarrassingly situated. I was engaged in the court below on different sides in those cases; in some I was for the plaintiff, in others for the defendant. My connection, however, ceased in the court below, and I did not expect to have it continue here. I am now only to regard the question of continuing them before the court as to its effect upon the community, upon the new State of Nevada, and upon the Pacific coast generally.

In the case of Lownsdale *vs.* Parrish, reported in 21 Howard, which went up from the Territory of Oregon before the passage of any law making a disposition of the public lands in that Territory, the Supreme Court of the United States held that neither party having any interest in the land, the appeal should be dismissed; in other words, that until Congress makes some disposition of the public lands, all parties occupying those lands are simply naked trespassers, and must be so treated. It is like a case which I may suppose. Suppose the Senator from Oregon and myself should be wanton enough to go into the parlor of the Senator from Connecticut, break up his furniture, and get into a litigation before a court of which he was the judge, of course he would be so situated that he must protect the property in this parlor; and he would say to the Senator from Oregon who was claiming damages from me, "Why are you claiming damages for something done to my property; it belongs to me; you are both trespassers, and I will treat you so." That is the rule that has been established by the Supreme Court of the United States. The court has said further that upon the public lands of the United States, where neither party could show title derived from the Government or from some source which the Government had recognized, no question of prior possession could be heard; and consequently if you bring an action of ejectment, and have no principle to rely upon but prior possession, it must go out of court. Now, what will be the situation of all our litigation? We come before the court with a mining case; and one of two decisions must be made; the Supreme Court will either reverse the case for want of jurisdiction in the court below and send it down and order it to be there dismissed, or will simply dismiss it here because the Supreme Court has no jurisdiction. The great inconvenience of placing the Supreme Court in a position where it will be bound to make these decisions can hardly be appreciated.

In Nevada we have had in the last five years much litigation, and important litigation, in settling the property of that country; much of the property of the country has gone through the courts. We have had probably as much litigation as any State of New England, if not all of New England, in the last five years. We have judgments of our courts under which millions of property are now held. Improvements have been made on a grand and magnificent scale, the rights of the parties being based upon the decisions of our courts. Those decisions recognize the mining rules of the country as the common law. They allow us to recover upon prior possession, under the rules and regulations established and enforced by the miners. We have been allowed to go on in this manner for the last sixteen years upon the Pacific coast. No legislation has been had on the part of Congress to give us any title which the Supreme Court of the United States will recognize. We have settled our titles among ourselves by the tacit consent of the Government of the United States. Large and prosperous communities have grown up under that system. The common law as administered among us is well understood. There is nothing, however, upon which the Supreme Court can act. If a case comes before it where a party has been ruthlessly ejected from his mine by a "jumper," as we term him, an intruder, and the rightful possessor sues to recover possession, and the case goes into the Supreme Court of the United States, that court will say to the plaintiff, "It is the property of the Government of the United States, and you have nothing upon which to recover." In other words, for Congress to allow these cases to be adjudicated by the Supreme Court of the United States is to declare that he who came last, he who came and by force ejected the rightful possessor, who had spent his whole life, perhaps, in discovering the mine, he who was strong enough by force to obtain and hold possession, shall remain in possession; and you seek to bring all this litigation before the Supreme Court of the United States for them to declare this rule.

Now I say that in all justice and fairness before, for any private purpose, to satisfy any particular litigant, you require the Supreme Court of the United States to pass upon these titles, you should provide some law whereby the settlers of that country can be protected in their titles. Will you pass a law that in the courts of the United States the local rules and regulations of the miners established and in force shall govern the decision of actions as they do with us, so that you will give the property to the oldest possessor, so that you will give the mine to the discoverer? Will you establish that rule? Are you ready to say that in this litigation which has been had, if these people bring it up to the Supreme Court of the United States, they shall have the laws administered which they have established and by which that community has grown up? The Supreme Court of the United States has no au-

thority to administer them until you pass an act to that effect. It has declared that it will not recognize these conventionalities.

Look at the effect of it. I have no doubt that Congress will pass some act whereby our titles will be secured to us. I have no doubt that when the subject is investigated it will be seen to be for the interest of the General Government to encourage mining and to pass such laws as will enable us to develop and open that vast country, a country that is almost unknown, and would now be entirely unknown but for the enterprise of these same miners whose rights are here to be ignored. But for them it would still be marked upon our maps as the unexplored region of America. Before you undertake to interfere with their prosperity in this way, you should pass some rules by which the Supreme Court can be governed.

But it may be said that if the Supreme Court shall dismiss the cases here because it has no jurisdiction, and shall not order the court below to dismiss them, it will merely leave the parties as they are. That, however, would not do the appellants any good; it would effect no good to any body; but it would do this: it would be a public advertisement of one of the departments of the Goverment that the miners on the Pacifiic coast have no title, and it would tend to cast a shade over the enterprise of that whole country. You cannot imagine the vast harm a decision of that kind would do in stopping the progress of development in that country. The people there have invested their all and spent their lives, believing that Congress will, when it has the matter under consideration, do justice to their labors and do justice to their rights in discovering and opening and developing the mines, but if Congress will pass the subject over to the Supreme Court without any consideration on its part, without providing for protecting them, and will call upon the Supreme Court to apply an arbitrary rule, we shall have in effect all departments of the Government concurring in treating us as outlaws and trespassers. It will be done, of course unintentionally, by an indirect action placing the matter before the Supreme Court to declare a principle of law before Congress has acted to prescribe the law by which they shall be governed.

Now, I say that before a retrospective act, an act that is unprecedented, an act that interferes with vested rights as this undoubtedly will do, is passed by Congress to relieve certain parties, it should be clearly demonstrated that there is a demand for the act; it should be demanded by the citizens of that country. I may here state that this very question of having the Supreme Court of the United States pass upon our mining titles, before the passage of any law of Congress for the settlement of those titles, came before our people when the proposition to become a State and incur the burdens of a State was under discussion; and it was regarded by those who were most deeply interested in that country as highly important that this question of miners' titles should first be acted

upon by Congress before it should go to the Supreme Court. We wanted to have State courts, so that we could have our local rules and regulations recognized by them as they have been for the last seventeen years. That was one strong argument for our becoming a State. But now, if you provide for dragging a few cases before the Supreme Court of the United States, and getting these injurious principles declared, and getting it advertised that there is no title in our country, that there are no rights there which are to be regarded, we shall have a panic in mining operations; we shall be placed back for a year or two; and, as we cannot expect to get any action of Congress this year, we shall have to go through a whole year with this cloud and this embarrassment, when every year is important to the development of the country if the present age is to realize anything from the vast mineral resources of the public lands.

Mr. JOHNSON. Mr. President, I shall not detain the Senate more than a few minutes in attempting to reply to the honorable member from Nevada. The principal question which the discussion involves is, to my mind, entirely free from doubt; and I say it after a careful examination of the authorities upon which the honorable member relies for the opposite opinion.

As to that portion of the amended bill to which he objects, which lessens the compensation that the clerk of the court shall receive under the bill as it came from the House of Representatives, I have nothing to say. If the compensation proposed by the committee is not an adequate compensation, the Senate can either alter it in that particular or it can be altered in some subsequent law.

I do not know that the Senate are now exactly advised of what the case is which demands, as I think, the interposition of Congress. In the act authorizing the Territory of Nevada, which was passed in 1861, a provision was made which is to be found in all territorial organizations, and one which Congress is obliged to make if it wishes to preserve quiet in the Territory; and to secure justice as between the individual suitors and justice as between the individual inhabitants of the United States, organizing courts, and authorizing those courts not to assume final jurisdiction in certain cases, but providing that their judgments, whatever they may be, in cases in which the amount is such as if they had occurred in the circuit courts of the United States, could have been carried by appeal or writ of error to the Supreme Court of the United States, shall be so brought up for review. The language of the ninth section of the act says:

"Writs of error and appeals from the final decisions of said supreme court [of the Territory] shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party or other competent witness, shall exceed $1,000."

Many of the cases involve amounts much beyond a thousand dollars, involve as I understand (for I have no knowledge of what

the cases are, and have of course no interest in them as counsel, or I would not be found speaking of the cases here) an amount of millions, and are now in the Supreme Court upon appeals or writs of error prosecuted under the authority of the section to which I have just adverted. While they are pending in the Supreme Court Congress has admitted Nevada as a State, but by the act admitting her as a State into the Union, clothed with all the powers that the States of the Union have under the Constitution of the United States, omitted to provide that cases in the Supreme Court of the United States upon writ of error or appeal from the territorial court should, notwithstanding the admission of the State, be heard. The counsel for the appellants—and I believe my friend who has just taken his seat appeared in that capacity in these cases—has moved the court——

Mr. STEWART. Allow me. I would state that I was counsel in all these cases, I believe, except one, in the court below. I was for the appellee here in one case, and in three cases I believe for the appellants. As I stated, I was situated in that way; but I am not counsel in this court and have no further connection with any of that business.

Mr. JOHNSON. I knew the honorable member had been counsel below and I supposed he had followed the cases up here. The parties would hardly employ other counsel when they could have been so well represented by the honorable member himself; but by those who are associated as counsel in the cases a motion has been made to dismiss the appeals or writs of error, and upon this ground, that there could be no territorial courts after the Territory became a State in the Union; and they ceasing, in the absence of legislation providing for the case, the mandate which the Supreme Court would have sent to the territorial court, and to which as the law stood at the time the State was admitted the mandates could only go, could not be sent to any court, and that rendered it illegal in the Supreme Court to assume jurisdiction.

The question for us is whether, when we have authorized the territorial courts to exercise jurisdiction in the very cases which are now pending upon appeal to the Supreme Court of the United States, and when we have authorized these very cases to be brought by appeal to the Supreme Court of the United States, we will permit justice to be impeded or obstructed by our own omission to provide, at the period we received Nevada as a State into the Union, that these cases should, notwithstanding, be heard by the Supreme Court. But the honorable member tells us first, that an act of that description would be unconstitutional, and he refers to decisions in 9th and 10th Howard which he supposes establish that proposition. If the honorable member will pardon me for saying so, his view of them is an utter misapprehension of these decisions. The case in 9th Howard was not a case of appeal pending in the Supreme Court of the United States, and brought there properly by a law the validity of which nobody

disputed, and where Congress provided that, notwithstanding the termination of the territorial court, the Supreme Court might continue to exercise jurisdiction which they had once obtained by a proper appeal, and in the exercise of that jurisdiction sent their mandates to such court as the legislation of Congress might prescribe, but an entirely different case. The State of Florida, after Florida ceased to be a Territory, undertook to give jurisdiction to the territorial courts of the United States, and the Supreme Court decided that there were no territorial courts of the United States; that necessarily the moment the State was admitted into the Union without reserving for any purpose the continuance of the territorial courts, as was done in that case, those courts went out of existence, and there was no authority in the State of Florida by any legislation of our own to create territorial courts; and that is all. There is not a syllable in the opinion of Mr. Justice Nelson, in that case, or in the subsequent one, to be found in 10th Howard, which intimates that Congress would not have the right in cases now pending in the Supreme Court, under the circumstances in which they are pending, to authorize the Supreme Court to go on and decide them, and it would be monstrous if it were otherwise.

The honorable member seems to assume that the decisions of the territorial courts were all right. How do we know that? How does the honorable member know it? What is the absolute confidence that he has in that opinion? The appeal taken shows that the parties prosecuting the appeal and acting under the advice of their own counsel thought that those decisions were erroneous, and the honorable member's endeavor to defeat the provision that the cases shall be heard rather implies a doubt that if they shall be heard the decisions of the court below will be reversed. What does the amendment propose? It does not place before the Supreme Court of the United States any opinion upon the part of the Senate that the judgments or decrees rendered in the court below are erroneous. It simply provides that they shall go on to hear and decide these cases, which are about now to drop because of our omission, to make provision for that fact in the law admitting Nevada into the Union. Is not that right? Was it right to authorize an appeal to the Supreme Court? Congress thought so, has ever thought so; and if it was right to authorize an appeal, is it not right to make that appeal effective? And what harm will the honorable member, or those whom he represents, his constituents, suffer, if this provision should be adopted by the Senate? They will only have this injury inflicted upon them, if that can be considered an injury, that is to say, of losing the benefit of the judgments below, if the Supreme Court shall be of opinion that the judgments below were erroneous. Ought the Senate of the United States, who are placed here for the very purpose of seeing that justice is administered, stop for a moment in deliberating whether they will not give to the citizens of Nevada,

against whom these decrees or judgments have been pronounced, the opportunity of having their cases heard in the Supreme Court of the United States, which is given to the citizens of all the other States in the Union? To my mind—and I speak it with all possible respect to the honorable member from Nevada—it is a monstrous proposition.

As to the power to do it, I never before heard it doubted. Maryland has done it over and over again in cases precisely analogous. In Maryland and in some other of the States there are limited periods within which appeals must be prosecuted, and after the expiration of those periods cases have arisen where the Legislature of Maryland has thought it proper to make an exception, and to authorize the appellate court of Maryland to hear and decide them, and the authority to do so by the highest court in Maryland was held to be so clearly settled that they would not hear an argument upon the subject. That is all I propose to say upon the constitutional question.

It is said by the honorable member that rights are vested. Vested how? Vested, according to the assumption, because of the rendition by the court below of erroneous judgment; rights acquired because the court below, by mistake, has taken away rights that existed before; for, I repeat, if the rights maintained by the judgment of the court below are found by the Supreme Court to be rights, there is no inconvenience, there can be no divesting, because the judgment of the court below will stand affirmed; but if, on the contrary, the Supreme Court shall be of opinion that the judgments rendered in the court below were erroneous, then the Supreme Court will have decided only that this state of facts exists, that by the judgments of the court below property had been taken erroneously from one man to whom it belonged and given to another to whom it did not belong; and is it possible that the Senate of the United States can hesitate a moment in saying that if they have the power they will guard against such a palpable injustice?

Usages that are not laws, but under what the Constitution of the United States proclaims are the laws of the United States and the laws of the States in cases where the laws of the States are properly before the Supreme Court of the United States for adjudication. The very object of the organization of the tribunal is to produce uniformity of decision, so as to make the man in Maryland stand precisely upon the same footing as the man in Nevada, entitled to the same protection which the authority and the wisdom of that court it was supposed would always secure.

The honorable member tells us that he does not know that there have been any precedents of this kind. Why? Because the case for which we are providing was provided for in advance, or because there were no cases brought by appeal or writ of error to the Supreme Court of the United States pending at the time when the State, formerly a Territory, was admitted into the Union.

I submit, then, without further detaining the Senate that, whether upon the ground of constitutional law or of high and enlightened policy, it is incumbent on the Senate to provide against the great injustice of having these cases disposed of without passing through the review of the Supreme Court of the United States.

Mr. STEWART. Mr. President, I will say but a few words in reply to the Senator from Maryland. He assumes some very extraordinary positions. One is the presumption that the territorial courts have done wrong, and the presumption that the Congress of the United States in the act of admitting the State of Nevada into the Union also did wrong. Why, sir, who is asking for affirmative relief here? Who is asking for the Supreme Court of the United States to take into consideration and adjudicate these causes? The presumption is that the law as it now stands is right, until the contrary be shown; and I say that before a relief bill is passed—this is a relief bill, and its operation is simply to give the mine to the squatter, to the man who came last—before you pass a bill which shall produce such effects, it should be shown affirmatively that there is demand for it. It appears that Congress at the last session did not see any necessity for such legislation.

The Senator from Maryland says that the reason why there are no precedents for this measure is because there have heretofore been no cases of this kind. The case in the book right before him from Wisconsin was a case of the same kind, pending in the same manner in the Supreme Court here at the time the State was organized, and the Supreme Court held that it had no jurisdiction. Was not that a case like this? Did the parties there attempt to come before Congress and ask for relief? Never but once was such a thing provided for at the time of the admission of a State, that I am able to find, and that was in the case of Minnesota. There have been numerous other instances of the admissions of States where the provision has not been made and the Supreme Court did not presume to act, and one of those cases was right before the Senator at the time he made his statement that there were no cases of this kind in other instances to be acted upon.

The Senator says what they want is the administration of the law; that they want the Supreme Court to declare the law as it is; and that their are no questions of policy when right is involved. If you want the law as it is, take it as it is in these cases, and do not ask to change it. When you ask to change the law, you ask to change it for some question of policy or of right. The Senator says he asks for the law as it is. I say, let the Supreme Court administer the law as it is. I say there are injurious consequences to arise from having it administered in a different form from what it is. I say that passing this bill with the amendment of the committee will bring before the Supreme Court rules and regulations that they will not recognize. I say that bringing these cases before the Supreme Court in this manner is a declaration on the part of the Senate that they wish to have these rules and regulations

ignored, because the Supreme Court must ignore them. These mines are situated on the public lands, and you say to the Supreme Court, by passing a special relief bill to bring these cases before it, "we will not provide for those who have settled upon the public lands any means by which they can get title; we will not recognize the right of prior possession or of discovery in the mines; we will ignore that, and call upon you to administer the rule which you have established in real estate cases where the parties have derived title from the government; we will call upon you to give the land to the last possessor." These are the questions that come up.

The change proposed is wrong. It is asking for a wrong. It is asking to disturb a settled condition of things. There is nothing that appears here to show that any wrong has now been done, but I say there is a presumption in favor of the local courts. I differ from the Senator in this respect. There is a presumption in favor of all judicial tribunals that they have acted right; there is a presumption that these cases are already decided correctly; and there is a certainty that, without any rules being prescribed by Congress to govern them, the Supreme Court are not going to take the advance and do something that you will not do—declare that the rules and regulations of the miners shall prevail. Pass such a law—say that these cases, when they go before the Supreme Court, shall be governed by the local rules and regulations, and we have no objection. Say that hereafter the Federal courts, in adjudicating the rights of miners, shall be governed by the local rules; do not upturn the condition of things, and you may pass your bill without any objection from the Pacific coast. Provide that the discoverer shall be protected; provide that prior possession shall be sufficient title, and we shall have no objection. But if you pass the provision as it is, in view of their decisions of the Supreme Court, the effect will be that they will treat these settlers and these miners as alien enemies, and drive them out, and give the property to him who has the strong hand. It is great injustice; and I say the change proposed, without providing at the same time rules by which the Supreme Court can be governed, will cause great trouble and confusion and embarrassment in carrying on the mining operations of that country. It will open up what it has cost five years to settle; it will open what it has cost millions to settle. You will destroy the vested rights in that country if you drag these cases before the Supreme Court, and let them again declare that the miner shall not recover in ejectment upon prior possession under the local rules, which they will declare now, unless in your law you establish equitable rules by which they shall be governed in adjusting cases as to mining titles.

Why can we not say what the Supreme Court will say in regard to the litigation in reference to mines on the public lands, neither party owning the title? Why need we be so anxious that the cases shall be heard? Why need the Senate be so anxious to place these cases now, where there is a rule that the last comer,

who has got possession by force, shall hold it? I cannot see. The law as it was past last winter was correct; that law met the desires and the approval of the people of the State. There has been no complaint of it.

But it is asked here why the people there cannot have their rights. Sir, let me ask, who represent the people of Nevada? Who know best about the effect of a decision of this kind? Who is asking to have the settled condition of things upturned? Is it the people of Nevada? Are they asking you to destroy all the rules of decision by which they are governed? Put the question to the people of Nevada, and how would they decide it? They looked upon the privilege of governing their own local affairs in their own way as a great boon, and they supposed their settled rules on this question would be maintained until Congress established others. You have by your tacit action, by your tacit encouragement, allowed them to open and to enter up that country, to build up new States, to build up the Pacific coast, from which there has been a stream of gold and silver that has enriched the East. You have given them no rules of legislation whereby to be governed. They have made rules for themselves; and now will you have it said that the prior occupants shall not hold these mining claims according to the local law? If you send it to the Supreme Court to-day, that will be the decision. That is the effect of this provision. That is what we complain of. You say you do not want the local rules disregarded. Then pass a law that they shall not be disregarded, and there will be no objection to your bill. But, sir, I know how it will desolate the country that we represent to reopen the whole of these disputes, to declare that the local rules are not in force, to have them relitigated in the State courts, to declare that the last comer shall hold, to declare that we will send them to the courts to determine this matter without recognizing their local rules.

This question involves a great many considerations, and I do hope that the Senate will not pass this amendment at this time. Let it come up separately. Let it not be attached as a rider to a judicial bill. Let us have it referred to a committee. Let us take proof as to the necessity of it. Let it be examined. Let somebody ask for it who knows its effects. Do not, I say, pass the bill in this shape, and injure the country, when the people of Nevada do not ask for it. I have clients deeply interested in having this bill passed; more clients interested in having it passed than I have on the other side; but they admit to me that it will create ruin and disturbance, and disorganize our whole country, and they say to me, "You are acting right." Although two or three of them are urging the passage of this bill they admit it is against the public good. Sir, I am here to represent, not a particular class, but the people of Nevada; and I know that if this bill passes, and we get a decision of the Supreme Court to the effect

that we have no title there, that the local rules and regulations shall not govern, it will injure the State of Nevada materially.

Mr. FOSTER. Mr. President, I have no clients interested in this bill, and I have not the honor to represent the State of Nevada. The wants of that people are unquestionably much better known to the honorable Senators who represent that State so ably on this floor than they can be to me. This bill, however, came from the House of Representatives, and was referred to the Committee on the Judiciary, of which I chance to be a member. The bill, in the committee, was committed to my charge; it was reported to the Senate, and that explains my connection with it.

The honorable Senator suggests that we pass the bill organizing the courts in Nevada, but leave out anything in relation to causes now pending, or to those which have already been decided in the territorial courts, until a separate bill has been brought in upon that subject, referred to a committee, and examined by the committee. I can assure the honorable Senator that these questions were examined by the Committee on the Judiciary, and very fully examined. The honorable Senator from New Hampshire [Mr. HALE] will bear me witness, especially in regard to this feature of the bill authorizing appeals and writs of error to be taken from the territorial courts, which, since the State has been admitted into the Union, have judicially expired. The committee thought that it was not just to parties who had been litigating causes in those territorial courts that they should not have the same rights of hearing on appeal and writ of error as they would have had if these courts had been created when the Territory of Nevada was admitted into the Union as a State. The fact that Congress did not at that time create those courts was an omission, an inadvertence on the part of Congress; it was a wrong to the people of that Territory. They were entitled under the Constitution and laws of the United States to the protection of that Constitution and those laws just as the people of every other Territory when admitted into the Union as a State are entitled. To deny it to them seemed to the Committee on the Judiciary to be a wrong; and therefore it was deemed not only just, but necessary, that we should provide not only for the causes that were now pending in the Supreme Court, but also for those causes which had been decided in the territorial courts from which appeals and writs of error had not yet been taken. I do not propose to add to the argument of the honorable Senator from Maryland [Mr. JOHNSON] in regard to the power of Congress over the subject, or the expediency or the justice of exercising it. Nothing said by the honorable Senator from Nevada, either in his opening remarks or in his reply to the Senator from Maryland, has made it necessary, in my opinion, for me to add, if I could add, anything to what the Senator from Maryland had previously said.

If, however, we were to examine the question of constitutionality, how should we stand if we followed the advice of the hon-

orable Senator from Nevada? Why, sir, we should reject this bill; we should, therefore, cut off the parties now in the Supreme Court from all opportunity to be heard; and we should effectually prevent those whose causes have been decided in the territorial courts from ever having their causes re-examined, however manifest may be the errors committed or the injustice done in the court below.

Mr. STEWART. If the Senator from Connecticut will excuse me, I omitted to refer to the report read by me. I think the Senator from Maryland was very much mistaken in his remark that there was nothing in these reports bearing upon the point. On the contrary, they are directly in point. They decide this proposition clearly; that it is not in the power of Congress to give to the Supreme Court of the United States any of the State jurisdiction. They decide further that it is not in the power of Congress to make a State court the successor of the Supreme Court of the United States for a case not of Federal jurisdiction; and Mr. Justice Nelson gives an intimation that a proposition like this would be unconstitutional. I would like to reply to that position. At the time Wisconsin was admitted into the Union, the case of McNulty against Batty was pending in the Supreme Court. It was claimed that an act that was passed after the admission of Florida retained the jurisdiction and provided for those cases already commenced to come to the Supreme Court of the United States. It was claimed that that law was in point; that it was equivalent to saying that the United States courts should finally dispose of all causes that were then pending. They contended that the proper construction of the law was the same as the law that is sought to be passed here. The Supreme Court first hold that the law did not cover the case, because the case of McNulty against Batty was pending in the Supreme Court at the time of the admission of the State, and consequently the law did not apply; but if it did apply, if it had said in so many words that the Supreme court should go on and determine the causes pending in that court at the admission of the State, Mr. Justice Nelson says they do not wish to be understood that such an act would be constitutional. He says:

"In placing the want of jurisdiction, however, upon this ground, we must not be understood as admitting that if the provisions of the Florida act of the 22d of February, 1847, applied to the case, the jurisdiction could be upheld"—

That is to say, if it was an act analogous to the one now under consideration—

"for, if we are right in the conclusion that, even assuming the record had in the case been transferred from the territorial to the district court of the State, our jurisdiction would still be incomplete and ineffectual, inasmuch as that court possessed no power to carry the mandate into execution, the case not being one of Federal jurisdiction, the result would be the same as that at which we have arrived."

It is the same as saying if you pass an act here making a State court the successor of the Supreme Court in a case of State jurisdiction it is ineffectual, because the Supreme Court of the United

States has no means of carrying the mandate into execution. It cannot send it to a State court and ask it to execute matters of its own jurisdiction. It must execute matters of its own jurisdiction on its own motion

Mr. FOSTER. I believe the honorable Senator read from that case previously what he has now read, and gave his views to the Senate in respect to the meaning of the Supreme Court and the principles enunciated by them in that opinion. The honorable Senator from Maryland replied and gave his views; and it seems those two honorable Senators differ very widely in their construction of that case. I put it to the Senate—suppose as between these two distinguished lawyers the Senate are to decide; is it not much safer that we decide as the Senator from Maryland suggests rather than as the Senator from Nevada suggests? and for this reason: if the Senator from Nevada should happen to be wrong, and we at his instance refuse to pass this bill, these parties suffer wrong, without the possibility of redress; we put an end to any hope that their causes can ever be heard by any tribunal. On the other hand, suppose the honorable Senator from Maryland chances to be wrong, if we pass the bill are these parties injured? No; because these causes all arise in the Supreme Court, where the parties can properly be heard on this very question, and as the honorable Senator says he has a decision of the Supreme Court to sustain him in the position he assumes the Supreme Court would at once dismiss the causes for want of jurisdiction. There would be no danger then that the parties to these suits would suffer any wrong whatever; they would have their day in court; and the Supreme Court are exceedingly disposed to stand by their own precedents and their own decisions. Let the parties go there, therefore; let them be heard, and heard there, where, as the honorable Senator says, there is a decision against them staring them in the face; there is no danger that the court will establish any new principle or do any injustice. On the other hand, if we refuse to let the cases be heard at all, the honorable Senator suggests if it should turn out that he is wrong, and he will pardon me for supposing it is possible that he may be, the wrong done is irremediable. Upon that distinct proposition, therefore, it seems to me there is a clear path for the Senate to follow, if they would do justice upon this question; and that is, let the parties be heard; do not say they shall not be heard; let them be heard, and let us believe that justice will be done.

Then, Mr. President, upon the other more unimportant question, that is, the fees of the district clerk and the district attorney of Nevada, the honorable Senator says that the expenses of living, the cost of transportation, &c., are much greater in Nevada than in other States, and the fees and salaries should be proportionately higher. We give to the district judge of the State $3,500, the amount in the bill as it came from the House; and I will say to the honorable Senator that the judge, in my own dis-

trict, with a salary but little more than half of that, performs more labor, sits more days in a year in court, as I believe, performing judicial duties, than every district judge on the Pacific slope all taken together. He is also a judge who could command at the bar, and would receive if at the bar a very large professional income, five times as great at the very least, as his salary as judge. These offices of district attorney and district clerk and marshal, it is true, are somewhat important with reference to the administration of justice; but it is not very difficult, ordinarily, to procure persons to fill those offices. I do not believe there will be any difficulty in filling them in Nevada, and I do not believe it, among other things, for this reason: that the honorable Senator presses upon the Senate the importance of our legislating so that there shall be but one clerk for both courts. If the compensation is so small that it is impossible to get anybody that is competent to take the office, is there any danger lest there should be two men appointed? The danger is that nobody can be found to take the office; and yet the honorable Senator asks us to depart from the law universally existing elsewhere in the country giving to the district judge the power to appoint the clerk of his court, and the circuit judge to appoint the clerk of his court, and so by law require the clerk of the one court to be the clerk of the other. If it is impossible to get men to fill these several offices in consequence of the compensation there will be no necessity for that legislation, for the two judges will have to agree on one man and appoint him, if indeed they can find any one man who will consent to take the office and perform the duty. The fact that such legislation is deemed necessary by the honorable Senator is, as it seems to me, a good reason why there is no need now of doubling the compensation. If there is need to legislate so as to prevent two men from being clerks, it is apparent there are men enough there who are willing to accept the place and perform the duties.

Why, sir, the members of the profession, as the honorable Senator well knows, are patriotic and self-sacrificing everywhere. I am persuaded that any one of the younger members of the bar in Nevada, rather than that the court should be embarrassed in the performance of its duties, would volunteer to perform the duties of clerk even without compensation; such is the patriotism of the profession. We who are members of it know this to be the fact. The other members of the Senate who have had the fortune to belong to other professions, or to be connected with other walks of life, may not feel the force of this augument, but all members of the profession know it to be true. There is no danger, therefore, that these duties will not be performed, and well performed. There is no necessity, then, to clog this bill with any extra compensation to the clerk, or to the district attorney, or to the marshal. I hope the Senate will pass this bill with the amendments as they came from the committee; and I surely will not stand longer in the way of a vote upon the question.

Mr. McDOUGALL. It is a somewhat remarkable fact, or at least a fact worthy of being remarked, that we all know a great deal more about what is east of us toward sunrise than we know what is west of us. A man who never crossed the Alleghanies does not know the valley of the Mississippi. We remember that when Mr. Calhoun went to Memphis for the first time he found the Mississippi to be a great inland sea. The gentleman from Connecticut speaks of a judge in his State. Why, sir, in the port of San Francisco in the admiralty court and circuit court for that State there is more business done than there is in Massachusetts and Connecticut put together. There is a larger commerce there, involving more extended, more particular, and more difficult interests than belong to any of the old-settled communities on this side of the mountains.

I make that remark *en passant*, for it is true that our interests on the other side of the Sierra Nevada and beyond the Rocky mountains are almost as much excluded as if Mr. Benton had his invocation realized when he said he would place upon the topmost summit of the Rocky mountains a monument to the god Terminus, and say, "Thus far shall we go, and no further;" we are almost as much excluded in consideration here. It is assumed by persons who have never been beyond the Alleghanies that they understand the interests of the plains and mountains and the coast of the Pacific.

The bill as it came from the House of Representatives in my judgment was a proper bill. The sixth section of the amendment is just legislation. I agree with the Senator from Connecticut in that respect. It, however, should not at this time have disturbed legislation. I do not agree with my friend from Nevada that we have not the power to carry causes from the courts of the recent Territory of Nevada. I think that the rights of those citizens at the time of the enactment of the law making it a State were rights entitled to a hearing by appeal in the Supreme Court of the United States. By, I think, faulty legislation those rights rest in abeyance and may at any time be extended to them. It is their right to demand them and they should be extended to them by legislation. I do not think, however, that this is a proper way to do it, and am clearly of opinion that the bill as it came from the House should be passed substantially as it is. I would like to amend it by adding this sixth section, as it is a just one; but I would not move the amendment because it may interfere with the passage of the bill. I do not propose to make a speech on this subject. I only wish to express my opinion. That what is put in here by way of amendment as the sixth section is a proper piece of legislation, I do not doubt; but I do not think it should be attached to this measure at the present time. But I desire to express my opinion with regard to this matter of compensation. In the State which the gentleman from Connecticut represents, a man can live, and live well, for one fourth of what a man can live in the

same way for in Nevada. The cost of transportation of subsistence itself would be four times the cost of the production in the State of Connecticut. In all mining countries this is to a greater or less extent true; but it is particularly so in that State. They have no agricultural lands; they have but little pasturage. A great deal of the stock that they consume has to be driven on foot for four hundred or five hundred miles. Many of their vegetables are transported from one hundred and seventy-five to two hundred miles, and across a mountain range that reaches an altitude of seven thousand feet. All these things go into the necessary expense of living; and to live comfortably there will cost at least quadruple the cost of living in any one of the New England States.

I think the bill as it came from the House of Representatives is correct. I regretted to see the amendments put on by the Committee on the Judiciary. The sixth section reported by the committee I regard as a just provision; but if it incumbers the bill and endangers its passage I hope it will be rejected. If it shall then be brought in as a separate bill, it will receive my hearty support.

The PRESIDING OFFICER, (Mr. POWELL in the chair.) The question will be on the amendment proposed by the Committee on the Judiciary to strike out the fifth, sixth, seventh, eighth, and ninth sections of the bill and to insert two other sections in lieu thereof.

Mr. STEWART called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. DAVIS (when his name was called) said: I am in favor of the first section reported by the Committee on the Judiciary and am opposed to the other section, and consequently, as the vote is to be taken on both together, I cannot vote at all.

The result was then announced—yeas 22, nays 11; as follows:

YEAS—Messrs. Anthony, Clark, Collamer, Cowan, Doolittle, Farwell, Foot, Foster, Harlan, Harris, Howard, Johnson, Lane of Indiana, Morgan, Morrill, Powell, Riddle, Sprague, Ten Eyck, Trumbull, Willey, and Wright—22.

NAYS—Messrs. Chandler, Conness, Dixon, McDougall, Nesmith, Nye, Richardson, Stewart, Sumner, Wade, and Wilson—11

ABSENT—Messrs. Brown, Buckalew, Carlile, Davis, Grimes, Hale, Harding, Henderson, Hendricks, Howe, Lane of Kansas, Pomeroy, Ramsey, Saulsbury, Sherman, Van Winkle, and Wilkinson—17.

So the amendment was agreed to.

Mr. STEWART. I will inquire if the sections which have just been adopted are still open to amendment.

The PRESIDING OFFICER. They will be in the Senate. The bill is still in Committee of the Whole.

Mr. STEWART. I wish to offer an additional section to the bill.

The PRESIDING OFFICER. It would be in order to offer an additional section to the bill. It would not be in order to amend the sections just adopted until we get into the Senate. If the bill be reported to the Senate, the Senator will have an opportunity to move his amendment in the Senate, as well as now.

The bill was reported to the Senate as amended.

Mr. McDOUGALL. As we are now in the Senate, I desire to move that the section marked as the sixth section be made the ninth section, and the ninth section be made the tenth section.

Mr. FOOT. It is not yet in order. The question now is on concurring in the amendments made in Committee of the Whole. Then it will be in order for any Senator to move an additional section.

Mr. DAVIS. I want to say a solitary word in explanation of my vote. As regards the compensation provided by the amendment of the committe to the different officers that are designated in their amendment, although I am not entirely satisfied that it is just and politic in relation to the officers in this new State, still I would not be disposed to dissent from the proposition of the committee; but upon the point of permitting the Supreme Court to keep its jurisdiction of the cases that have come up from Nevada while it was a Territory, I entertain a serious objection. As stated by the Senator from Nevada, when the Supreme Court decides that class of cases it does it upon this general principle, that it recognizes no property in the lands which may be the subject-matter of those suits in either of the parties. I think that would be unjust to the State of Nevada, to the interests of the State and of the people who have proceeded to that country and settled it and developed their mining interests. In relation to all the older States this principle prevails: that the laws of the States and the adjudications of the supreme courts of the United States are recognized and conformed to by the Supreme Court of the United States. In the State of Nevada there was not and could not necessarily be any legitimate and obligatory code of laws in regard to the whole of the mining interest, and yet a mining country could not be settled, and the operations of mining carried on with anything like order or security for the length of time that such has been the case in that and other mining countries on the Pacific coast, without some system of laws regulating the mines, the proprietorship, and the title to the mines, and the rights of the various persons who take possession of them. These matters have become the subject of usage, of comity, and of a code of laws that have been adopted without any sufficient authority, but still with the perfect concurrence of the people of the mining countries; and under this system of laws, thus established, the interests and the rights of the persons in possession of the mines have been recognized and adjudicated upon by their territorial courts.

Now, if those cases are brought up to the Supreme Court, that court repudiates entirely this system of laws arising from comity, from usage, from necessity, established by the common sanction and consent of the whole mining population, and the rights of parties to the suits are decided irrespective of this code of laws that has thus been built up, and upon which the rights of the

miners have been regulated, have been passed from vendor to purchaser, and have been adjudged by the territorial courts. It seems to me this would introduce a great deal of confusion and a great deal of injustice and wrong among the miners of Nevada. It seems to me, if Congress has the option in refusing to adopt this amendment to sustain this system of laws that have thus been built up in Nevada, and of recognizing the principles adjudicated by its courts upon this system of laws and upon which the rights of miners have been settled and adjudicated there and have passed in the course of will, by descent and by purchase, that Congress so far as it may recognize, ought to recognize the existence of that code of laws and of the rights that have grown up under it. Being of that opinion, being of the opinion that it is a question of expediency, of policy, as the Senator from Nevada said, that all the claims of order, of justice, of abstract right, are in favor of acquiescing in the system of laws established by those miners and in the judgments which the courts of that Territory have passed upon them, and in all the rights that have grown up under them, I think it would be most conformable to justice and to wise legislation that this bill should not pass in a form authorizing the Supreme Court to continue a jurisdiction that would result in the repudiation of that system of laws, and in all the rights that have grown up under it. Therefore, sir, although I should be in favor of the fifth section of the amendment of the committee I am entirely opposed to the policy and justice of the sixth section.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. HALE. I observe that the Senator from Nevada and the Senator from Kentucky both assume, as a matter settled beyond controversy, that if these cases come up before the Supreme Court they will entirely disregard these local laws. I want to ask where is the authority for that assertion? I ask for information. I do not cavil at it.

Mr. STEWART. The authority for it is found in a case from Oregon, in which the court declared that until Congress made some provision for the disposition of the public lands, or until some law of Congress was passed under which title could be obtained to them, they would disregard any possession upon the public lands or any right upon them in either party. I wish now, Mr. President, to offer the following amendment, as an additional section to the bill:

And be it further enacted, That in actions respecting mining claims the rules, customs, and regulations of miners shall be regarded as law and enforced by the courts of the United States: *Provided*, This shall not be so construed as to affect in any wise the right or ownership of the United States to the same.

I would like to perfect the language of this proposition a little more. I have hardly had time to draw it up. I will ask that the bill be laid over, so that I may offer a provision to remedy a difficulty that will be apparent to all Senators, of having these

cases adjudicated without bringing into requisition those local rules and regulations; because this bill provides for bringing up a large number of cases, all the litigation for the last five years, for the limitation on them does not lapse for five years, and there is a great mass of litigation there. If they are to be determined in the Supreme Court without applying these rules and regulations, the man who has force enough to hold possession, the last comer, the man in possession, will remain there under these decisions of the Supreme court.

Mr. COLLAMER. Let me ask the gentleman a question. Does he mean to be understood that it has been decided by the Supreme Court of the United States that in an action of ejectment prior occupancy is not a sufficient right?

Mr. STEWART. Yes, sir, I do.

Mr. COLLAMER. Did they ever decide so?

Mr. STEWART. Yes, sir, in repeated decisions; and that is the trouble.

Mr. COLLAMER. I must confess I do not understand it. I suppose that in the cases where such decisions were made the parties were all wrong; they were all without right.

Mr. STEWART. It may be all wrong, but it is the law, and we have got to be governed by it. It is the thing I want to avoid. Allow me to read the *syllabus* in the case of Lownsdale *vs.* Parrish, 21 Howard, page 290:

"Congress passed no law in any wise affecting title to lands in the Territory of Oregon until September, 1850; and therefore where a controversy arose, in July, 1850, relating to titles to land, neither party could be said to have a legal title.

"Consequently, the amount in controversy could not be ascertained so as to bring the case within the jurisdiction of this court; and there is no question arising under the Constitution or laws of the United States so as to give jurisdiction."

And they go on in the opinion and reason it all out. This was an action for damages for injury to the possession.

Mr. COLLAMER. I am talking about an action of ejectment.

Mr. STEWART. I will state for the information of the Senate that most of the actions for mining claims are brought for trespass.

Mr. COLLAMER. Is there a case in any court in the world in which they disturbed a man in possession on the claim of another man who had no right? Was there ever such a decision made.

Mr. STEWART. They have refused a remedy, which is equivalent to it.

Mr. DAVIS. I will ask the honorable Senator from Vermont this question: suppose a miner has been in possession five years, and a wrong-doer or a number of wrong-doers go and turn him out with the strong hand, and are in possession themselves, what remedy has that miner?

Mr. COLLAMER. He can bring his action of ejectment to the court.

Mr. DAVIS. Why, he is a trespasser.

Mr. COLLAMER. That is immaterial. I apprehend that prior occupancy is always sufficient against a trespasser.

Mr. DAVIS. But both were trespassers.

Mr. COWAN. An outstanding title from the United States would be a good defense.

Mr. STEWART. It would be a good defense in the Supreme Court of the United States, but we have not allowed it to be set up. We rely on the prior possession always. We give the title to the prior occupant. I will read a passage from the decision of the Supreme Court in the case of Burgess *vs.* Gray, 16 Howard, page 65:

"And the mere possession of public land, without title, will not enable the party to maintain a suit against any one who enters on it; and more especially he cannot maintain it against persons holding posseesion under title derived from proper officers of the Government. He must first show a right in himself before he can call into question the validity of theirs."

I do not believe a case can be found where a party has been allowed to recover on prior possession alone in the Supreme Court of the United States. The rule in ejectment is that the plaintiff must recover on the strength of his own title.

Mr. COLLAMER. The particular form of action may come up, but I undertake to say that in the whole history of this world there cannot be found a decision of a court that would not sustain a man in his title by prior occupancy against a wrong-doer without title.

Mr. DAVIS. I will ask the honorable Senator a question. In the case I put——

Mr. COLLAMER. I have answered that case. He would have an action——

Mr. DAVIS. Let me put my question, and then the Senator can answer it. In the case I put, suppose the prior occupant of the mine brings an action against the man who enters upon him, and the defendant in the action of ejectment shows an outstanding title in the United States, would not that defeat the recovery of the plaintiff in the case?

Mr. COLLAMER. Not at all.

Mr. DAVIS. That is the law of my State.

Mr. COLLAMER. If I am in peaceable and quiet possession of land another person has no right to eject me or turn me out of possession, and when I bring my action against him turn around and say, "John Styles owns the land." That is none of his business.

Mr. DAVIS. Why, Mr. President, there is not a case decided in the State of Kentucky, in which the question ever came up, that the judgment of the court was not that where the defendant in possession, who has been sued shows an older outstanding title and the right to enter in a third person, that it did not defeat the action of ejectment; and Runnington and Adams and other English authorities upon the action of ejectment establish the same principle.

Mr. COLLAMER. According to that idea, if I understand the gentleman, if I find my brother Davis in possession of a piece of land and I ascertain that John Styles owns that land, and I go and turn my brother Davis out, and he brings an action of eject-

ment against me, I may turn around and say to him "It was John Styles's land." He would then ask me: "Did he give you the right to enter?" "No; I never had any under John Styles." What business have I to turn you out because John Styles owns the land, unless I get John Styles's right? Certainly there is no law in that.

Mr. DAVIS. It is upon this principle: that no two trespassers have a right legally to litigate the title of land between themselves.

Mr. COLLAMER. Prior occupancy is always a right against strangers.

Mr. STEWART. I will ask that this matter lie over. I should like to perfect a section of this kind which shall secure the rights of the miners.

The PRESIDING OFFICER. Does the Senator move to postpone the further consideration of the bill until to-morrow?

Mr. STEWART. Yes, sir; I will not occupy any time now in debate upon it.

Mr. FOSTER. I really hope the bill will not be postponed. At this stage of the session postponement is equivalent to defeat. If it is designed on the part of the Senator to defeat the bill I submit he had better avow it. If it is not, if he wishes to amend it, certainly there can be no objection to any amendment that shall require the Supreme Court to decide according to law and right in every case. I am not so afraid that the Supreme Court will outrage law, justice, and propriety, as the gentlemen seems to be; but if there is danger of it, I am by no means opposed to any amendment that shall require the court to observe all proper rules. The Senator has certainly not thought of this subject to-day for the first time. Ever since the honorable Senators from Nevada took their seats here, this bill has been pending. We are now getting toward the close of the session; and I repeat again that the Supreme Court has decided that these causes shall not be postponed beyond the 27th instant, as their session terminates on the 3d of March for the hearing of arguments. If this bill therefore can be kept along so that by going to the other House action upon it may be deferred until after the 27th, every gentleman that desires——

Mr. STEWART. With the permission of the Senator I will withdraw my motion and will ask to have my amendment considered as it is now presented. I think it is in form.

Mr. CONNESS. Let the amendment be read as it now stands.

The Secretary read, as follows:

And be it further enacted, That in actions respecting mining claims the rules, customs, and regulations of miners, shall be regarded as law and enforced by the courts of the United Seates: *Provided*, This shall not be so construed as to affect in any wise the right or ownership of the mines by the United States.

Mr. CONNESS. This is an important question.

Mr. COLLAMER. If the gentleman will indulge me a moment, I desire to suggest an amendment to the last clause of the amendment by adding the words "or those claiming under them."

Mr. STEWART. I accept that modification.

Mr. FOSTER. I certainly have no disposition to interfere with what may be——

Mr. CONNESS. I believe I have the floor.

Mr. President, this is a very important subject, particularly the point now under discussion, and it is too important to be decided hastily. The question involved in the whole bill before the Senate, that of continuing the jurisdiction of the courts of the United States in cases involving mining property, is one of the deepest interest to the people occupying the mining Territories and States; it involves an immense amount of property. The Senate has decided, by the adoption of the amendment roported by the Committee on the Judiciary of this body, that they will continue the jurisdiction of the Supreme Court of the United States. Then, in the further consideration of this bill, that decision of the Senate is to be considered as having been fully accomplished. The question now involved arises from the objection made by those who opposed the passage of the amendment of the Judiciary Committee in this: that it was obnoxious because, upon questions of appeal to the Supreme Court of the United States, where a fee simple title was not in either party, plantiff or defendant, the Supreme Court of the States would not take jurisdiction, but would dismiss a cause of that character, and thereby leave this great mining interest exposed to the effect of a declaration by the highest tribunal in our land that there was no title but in the United States—a fact, it is true; but a fact which, if declared in that form, must have the most serious effect upon the value of mining property now owned over the length and breadth of the land.

What is aimed at now by the honorable Senator from Nevada is this: that since the jurisdiction of the Federal courts is to be continued by an act of Congress there shall be such a provision adopted as shall put that question at rest and give jurisdiction by this act to the Supreme Court of the United States, which jurisdiction shall be exercised notwithstanding there is no fee simple title in either party to the cause, but in accordance with the rights of priority of possession which may exist in either party, plaintiff or defendant. I submit that unless you do this you strike the severest blow at the mining interest of this country. It will be remembered by the Senate that our people, precipitated on these wild lands, have no opportunity under the laws of the United States to obtain title from the Government. They therefore, by permission of the Government, take possession. The local sentiment and opinion of the American people who seek thus to establish industry, community, and society, respects in all cases priority of possession. If you, sir, take up a mining claim, you being the first party to take it up, and prosecute your labor upon it, the community recognizes your first right as against any subsequent claimant. The local courts have taken up that opinion and they have declared it law; and upon just that basis and on that local recog-

nition the entire mining property in the Pacific States and Territories rests. This, it will be remembered, is a very insecure foundation for the investment of millions upon millions of dollars.

Now, then, we ask, in addition, that if you pass this bill as the Senate have now amended it, you shall incorporate in it a provision which, continuing the jurisdiction of the Supreme Court of the United States, shall require that court to keep and retain the jurisdiction and decide according to priority of possession. I do not altogether like the amendment proposed by the honorable Senator from Nevada. I think we are hardly prepared at this time to declare by a statute of the United States that all local mining rules and regulations shall be law, because—and the honorable Senator will bear me out in that—the local rules and regulations are as multifarious, as numerous, as different, and as many as there are localities and communities; and it would be a pretty broad declaration to incorporate into a statute of the United States that all this mass shall be law. You would have a contrariety of law which even a Philadelphia lawyer, as the expression is, would fail to comprehend or understand. There would be complications, I apprehend, impossible to reconcile or to be made understood.

The simple point needed, as I have before said, is to require the Supreme Court of the United States, when taking jurisdiction, to recognize the rule of priority of possession upon which all investments in those countries rest. Therefore I think this is a matter of too much importance to be hurried through, as asked for by the honorable Senator from Connecticut, and time should be given to prepare a section to cover this important point. I have hurriedly written at my desk—I will read it for the information of Senators—what it appears to me would cover the case; and yet not belonging to the legal profession I have no pretentions that I can sufficiently do this thing. I will read this, however, which I suggest as an additional section, so that at least what I mean shall be understood:

And be it further enacted, That in all cases which shall, by the provisions of this act, come within the jurisdiction of the Supreme Court, such jurisdiction shall not be lost by reason of the parties, plaintiff and defendant, not having title in fee simple, but such jurisdiction shall be exercised in conformity to priority of possession.

If the legal gentlemen in the Senate will say that that will cover the point, or will prepare another section that will sufficiently contain the same provision, it will be acceptable to me. But, sir, to confer this jurisdiction, and to reopen causes settled and determined, to disturb rights of property which are recognized, and subject causes involving them to be dismissed from the Supreme Court, because there is a want of title in neither party to the suit, I submit would be as destructive to us as though a tornado should pass over every inch of the surface of our country. I will send this amendment up to the desk and let gentlemen examine it.

Mr. JOHNSON. I think with the honorable members from the

Pacific States that it is very desirable there should be some legislation by Congress for the protection of those rights; but as far as I am advised they have been sufficiently protected. The Supreme Court of the United States may have, perhaps, decided erroneously in some cases in relation to those rights, and the effect of those rights in the cases that have been before them, but as far as the Government of the United States is concerned I do not know that they have ever interfered with any mining title.

Mr. CONNESS. Will the Senator permit me to say one word right here, which will enable him at least to understand me?

Mr. JOHNSON. Certainly.

Mr. CONNESS. No case involving mining questions of the character here contemplated and now discussed that I am aware of has come to the Supreme Court of the United States, because California began as a State and Oregon was a State before mines were discovered in it, and our mines outside of those two States exist in land which is organized into Territories of the United States. Therefore you are now for the first time providing for continuing the jurisdiction involving mining cases from a Territory just organized and made into a State to the Supreme Court of the United States, and the question involved comes up for the first time.

Mr. JOHNSON. I was aware of that, Mr. President. What I said was that as far as the decisions of the Supreme Court are concerned there has been no interference with those mining rights; and the honorable member is correct in saying that, except remotely, the nature and validity of those rights have not come in question in any case before that tribunal. But as I have stated, I concur with the members from the Pacific and from the States and Territories in which those mines are to be found that it is desirable there should be some legislation by Congress; but to legislate now upon a subject of that description, and particularly to legislate as the honorable member from Nevada proposes, by the adoption of the amendment which he has sent to the Chair, seems to me to be in the highest degree impolitic and erroneous. Those mining usages are almost as various as are the men engaged in the mining. They are one thing in one section, another thing in another section. They are changing from day to day, or from week to week. There is nothing stable in them.

Mr. CONNESS. Let me suggest to the Senator at this point that in many instances there is no record of those local laws; they are merely traditionary. In other instances there are records.

Mr. JOHNSON. I was aware of that, and I was about to state it. There is not only in point of fact a great diversity of rule and regulation and usage, but there is, as the honorable member from Califorina informs me, no record evidence of what those rules and usages are. Now what does the honorable member from Nevada propose? That the usages and customs of mining throughout the States in which mines are to be found are to govern the courts of

the United States in passing judgment. What do you mean to say? Govern when? Are they to govern the controversy, such of them as exist at the time the controversy commences? Is the title claimed in the suit to be maintained or defeated by usages existing at the time the title was acquired? Or is the Supreme Court of the United States, if the case should come before the Supreme Court of the United States, to affirm or reverse it upon usages or customs adopted, not only after the title in the controversy may have been acquired, but after the decision of the court below may have been rendered? It certainly must appear to the Senate wholly improper, unexampled, and unjust in practical operation to adopt an amendment of that description.

Mr. CONNESS. I do not understand the Senator as holding that the amendment I offered and the views I presented are obnoxious to those objections.

Mr. JOHNSON. I was not replying to the proposition of the honorable member in that particular, but it was to the amendment of the member from Nevada, [Mr. STEWART,] and that is the only amendment before the Senate. The subject is quite an interesting one, not only to the States in which this property is to be found, but to the United States. It presents very complicated questions. It requires a great deal of practical knowledge and a great deal of theoretical scientific knowledge. What the usages should be, or whether it is possible to adopt usages to act uniformly throughout these mining interests, is a matter that requires a good deal of meditation. The idea of the legislating now upon this subject, at this period of the session, in a bill of this kind, the purpose of which, as far as the particular section is concerned, is merely to say that the Supreme Court of the United States is to decide the case before it as if the State of Nevada had not been introduced into the Union, seems to me highly improper, obviously improper.

I suggest to the honorable member from Nevada that he had better withdraw his amendment, and that he and the Representatives from those States, if no others will engage in it, should, in the interval between now and the next meeting of Congress, determine upon some system which is to have the force of law throughout these mining regions. It would be, I admit, exceedingly hard, when these mining possessions have been taken by the explorers, or, as they are termed in that country, the prospecters, and after they have given time and money and labor to the development of the mining interests, that the property should be taken from them by the United States or by any party claiming by the United States; but it is equally improper, if not more grossly improper, if I may be permitted to use such an expression, to say that persons who have rights, and that the law assumes, are not to have those rights passed upon by the law in force, whatever that may be, by the Supreme Court of the United States.

The honorable member from California thinks it would be wrong

to have these cases decided by the courts of the United States upon rules known only to the common law. That does not arise under this bill. This bill, so far as the particular provision is concerned, applies only to cases in the Supreme Court of the United States. There are no territorial courts now in the State of Nevada; they have expired by operation of law; that is to say, by the bringing of the Territory as a State into the Union. That, upon the authority of the decision cited by the honorable member from Nevada, terminates in the territorial tribunals.

Mr. RICHARDSON. I do not know whether I fully comprehend and understand the purpose aimed at by the Senators who represent the mining region; but I desire to state as briefly as I can what I think, with due deference to them and to the Senate, will be the necessary legislation to secure the rights of discoverers in these mines. We have had this question presented in the western States and the decisions that Senators have referred to, and on the same points to which they have referred. It was decided that where a man went on and made improvements upon the public lands, and left his home for the time being, and somebody else entered upon it, he could not recover possession of it for the reason that he had no title to it, just as the miners who leave for the time being their mines may be dispossessed. We passed through the Legislature of Illinois an act granting a possessory right, to enable the first settler to recover the land. That act enabled the first settlers to do another thing, which is a very important question involved or hereafter to be involved in this mining region: it enabled them where they sold their claims, as they were then termed, upon the public lands to recover the consideration, the money agreed to be paid, or the value of the property. In my judgment, the first legislation required from Congress in reference to this subject is to confer a possessory right upon the first discoverer. Confer that right upon him and he can take care of himself, and you will give protection to the adventurers who go out and discover your gold mines.

As regards the proposition now before the Senate, I have only to say that, in my judgment, it would not be wise to adopt the provisions made by each settlement in that country as the law of the land. You want uniformity in your laws. If you adopt that you have got this other question to decide: where they come in conflict, how far the jurisdiction of one mining company extends, over what territory, and, when you have decided that they have jurisdiction, which one first adopted the laws in reference to this matter. It seems to me you avoid all this difficulty by conferring a possessory right upon the individual who makes the discovery. I have not had my attention directed to this matter for a long number of years; but if I remember aright, we protected, in the State of Illinois, so far as we could protect, the first settler, and I imagine in all the western States, by the Legislature passing acts

giving the first settler the possessory right. There is a necessity, however, in this instance of passing it by Congress, because the States do not own the land; they have not the fee simple, they have not the title; it is in the General Government, and the law ought to be uniform. It seems to me a simple proposition by which you confer this right would secure all that the Senators from the Pacific coast seek to accomplish.

Mr. HENDRICKS. I find myself embarrassed in deciding how I ought to vote upon this question. The proposition of the committee, that appeals shall be allowed from the judgment of the territorial court to the Supreme Court upon its face seems very right and proper, and I dislike to vote against a proposition having such apparent fairness and propriety; but, on the other hand, there is some difficulty about it. It is very certain that the Government of the United States has refused, by the policy which it has pursued for a number of years, to give to the miner a title to the property which he is improving. At first, this was not of very much importance, for the miner sought the streams, and picked up what gold he could; but that sort of mining has almost passed away; and now to develop the mineral resources of that great region requires the investment of large capital. The quartz mining must be prosecuted by the use of very expensive machinery. It is certainly the policy of the Government, now that these mines shall not only be developed as rapidly as they have in the past, but that we shall encourage their development. The States of Nevada and California, as I understand, as States recognize the usages of the miners as the law governing the particular case that may come before the courts.

Mr. CONNESS. Will the Senator permit me for a single instant to say a word on that point?

Mr. HENDRICKS. Certainly.

Mr. CONNESS. There has been no local legislation in those States on the subject; but the courts from the beginning have adopted, and finally it has become settled as the rule of decision that the priority of possession in every case shall determine the case, and those who acquire a right from the prior possessor are in every such case, by the courts, determined to be the owners of the property. There is no decision there based upon statute law, but a rule of decision, universal now in its character, and recognized, and upon which all these rights of property rest, has grown up based upon the right of original discovery and possession; and in the class of cases now pending and proposed to be continued in the Supreme Court, from Nevada, the Supreme Court would only deal with the record sent up to them, the court below having determined the causes by those rules of priority of possession. Therefore it is by the common law and the use of it by the courts that those decisions have been arrived at, and it is upon that basis that all our rights of property rest. There has been no local legislation on the subject.

Mr. HENDRICKS. I did not intend the Senate to understand me as saying that there had been local legislation, but I intended to say that those States through their courts recognize the usages of the miners.

Mr. CONNESS. They do.

Mr. HENDRICKS. I said a few minutes ago that in the first instance it was not a very important question, for the occupancy of the miner was not very permanent. A number of men found themselves in a particular neighborhood; they could acquire no title to any portion of the mineral lands; and so as a necessity of their condition they adopted certain usages. They agreed among themselves how much of the mineral lands should be occupied by each other; what should be the evidence of that occupancy; if a man were absent for a day or week from the particular spot of earth in which he was digging for gold, what evidence he should leave behind him that he was the occupant of that particular spot; and the courts, to some extent of necessity, recognizing these usages of the miners. Are Senators prepared to say in the absence of legislation by Congress that these usages agreed upon among the miners were not proper to be adopted, and that there was not some show of reason, to say the least of it, on the part of the courts in recognizing those usages as governing the men themselves?

Now, sir, when the mining operations have come to the point where to develop the mines requires the use of large capital this becomes a very grave question, and as I have said, before the courts of the States these usages are recognized, and as between the men engaged in mining the possession of the miner is his right. Has not the Government of the United States to some extent recognized this? Certainly we have all desired the development of the mines, but we have refused to make a tittle to the miners. I am not prepared to say that any plan of conferring title which has been proposed has been satisfactory to me. It is a very difficult question. The land that shall be given to any one man for purposes of mining ought to be very limited. How much will you give him, and upon what terms, and upon what payments? We are not prepared to decide this question; but the miner, under the policy of the United States, which allows him to go upon the public land, and has never treated him as a trespasser, adopts for himself the laws which the necessities of his condition require, and the State courts recognize them; and I understand the territorial courts have recognized them, and from that decision an appeal is now sought to the Supreme Court of the United States. What will be the decision of the Supreme Court? I apprehend there is no question about it; the Supreme Court will say that to maintain an action of ejectment a man must rely upon the strength of his own title, and not upon the weakness of his opponent's. What will be the effect of that? The effect will be not to decide according

to the usages of the miners, and give the right to a mine to the man who developed it, and who has been driven from it; but their decision will be that neither party has a title, that the United States own the land, that so far as the United States are concerned both parties are trespassers, and neither can maintain an action of ejectment. Ought we to say to these miners that they are trespassers? In view of the policy of the United States they are not trespassers. A man who goes on the agricultural lands of the United States is treated by the Government as a trespasser if he goes in any other character than as a pre-emptor. If he goes upon the public lands of the United States to cut down the timber upon the pine lands, it is the policy of the Government to arrest him and to punish him for the offense; but it is not the policy of the Government to punish as a trespasser a man who goes upon the mineral lands with a view to their development. We encourage it, we say he is not a trespasser by the policy we have adopted; and although I am very reluctant to vote against the proposition of the committee, I think there are such high considerations of policy touching the development of the mines as will justify me in voting not to give an appeal. The law left them there. The parties in right may not demand an appeal. Whether a man may take a case from one court to another depends entirely upon the law; there is no natural right about it. We do not allow an appeal to the Supreme Court in all cases; it depends upon the amount in controversy in many instances; so that it is not a matter of right that a man shall go to the Supreme Court. It is a matter merely of law. He has not the right, then, under the law; and as a question of policy, ought we to give an appeal to the Supreme Court when that will break up a system that the miners found it necessary to adopt under the policy of the Government?

Mr. JOHNSON. Mr. President, I do not know in what way my friend from Indiana has found out that these cases in the Supreme Court affect mining privileges and should be decided alone by the usages of mining. For all that I know these cases involve the title to lands, and if so it is but just and right that there should be an appeal. But I rose principally for the purpose of saying that these cases, as I understand it, that are pending in the Supreme Court, are now before that court upon a motion to dismiss them merely, on the ground that the Territory has been made a State since the appeals were taken. If that motion be rejected the cases will not come up for hearing until the latter part of the next term. They are beyond No. 300, and the court is now at No. 125, so that it is impossible that they can be heard until Congress shall have been in session at least two or three months of the next term.

Mr. FOSTER. The Senator will allow me to say that there is but one mining case in the list.

Mr. JOHNSON. I did not know there was any.

Mr. CONNESS. One is sufficient, because the rule of decision adopted in one will apply to all.

Mr. JOHNSON. Unless we legislate.

Mr. FOSTER. I referred to it only to show that none of the cases would be reached for more than a year.

Mr. STEWART. I will correct the gentleman. The amendment of the committee also provides for bringing up all the cases disposed of in the last five years.

Mr. FOSTER. But they cannot be reached for three years to come. I mention it to show that there will be ample time for legislation.

Mr. JOHNSON. What I meant to say was that if it be advisable to legislate upon the subject of mining titles, and I think it is, we shall have ample time to do it. There is no necessity, therefore, now to do injustice in all the cases in the Supreme Court of the United States, for I understand there is now but one that involves a mining title. The cases entered in that court are numbered 300, 325 and 327, and, as I said just now, they cannot be argued before March of next year, and in the mean time we can devise a system which will protect the mining titles, and place them upon the footing on which, as I think, they ought to stand.

Mr. CONNESS. The suggestion of the Senator from Maryland in this case I think is not a wise one, if he will permit me to say so. He says that because the cases now in court will not be reached, and consequently will not be determined for a long time, it is unnecessary now to legislate upon the subject, for the reason that in the interim we may adopt and may be compelled to adopt some wise law, the wisest we can devise, which shall regulate the possession and ownership of the mines. This is his suggestion as I understand it. Now, let me call the attention of the honorable Senator and of the Senate to this point. Suppose that at the next session of Congress, which will be a long one, we begin to devise a system according to which citizens of the United States may obtain title to mining lands of the United States, I apprehend that any system we shall devise must necessarily transfer the title in fee from the Government to the citizen. It is true we may adopt a system of leasehold, but I hardly think we shall enter upon that. Then suppose we shall devise a wise law by which citizens of the United States may go upon the mining lands and enter them in small quantities, say amounts of one acre each, the system or plan will provide that the United States shall transfer its title with or without a consideration to the citizen. How shall it be with regard to the particular mine involved in the appeal that is now pending in the Supreme Court of the United States? Who shall buy the land upon which that mine is located? Will you provide that the plaintiff or defendant in that case shall buy that particular mine? They cannot both buy it, for they cannot agree as to their ownership. It would be unjust to allow either

of them to buy it while a question is pending and unsettled in regard to it.

Let me say to the Senate now that when they shall adopt a system for the disposition of the mines, it must necessarily involve in it a concession to the present possessors of the mines, and the United States must recognize existing possession, and title by possession, by granting the mines possessed free to the parties who possess them, or by exacting from the possessors a consideration of value for them. You can never adopt a system by which you shall take away from our citizens what they have possessed for fifteen years last past, and you have allowed them to enter upon and to invest their capital in, and tranfer it to others. You must determine upon what terms they may buy from you or may legally possess from you. Any system that may be adopted must contain such provisions. Now, I ask again, what will you do in regard to the cases pending?

Mr. President, you cannot legislate in regard to cases pending. What ever plan you adopt must contain a provision that shall say that the right of possession, according to the rules of priority of possession, shall give the party in possession a right to buy from the United States, or the right to possesss legally, and in cases of contest, where the right of possession is yet open and not determined, those cases shall be allowed to be considered by the courts until one party or the other is determined to be the party having the best right to possession, and he shall be allowed then to obtain the title of the United States.

If you do not adopt, in connection with this bill, in continuing this jurisdiction from the courts of the Territory to the United States Supreme Court, a provision which shall give the jurisdiction to the Supreme Court of the United States notwithstanding the title in fee simple is in either party, plaintiff or defendant, you expose us on the one hand to be driven out of court, and you expose the entire mining stocks held all over your country to the dreadful consequences of such a decision, which I apprehend is something that we are not justified in doing. Why not adopt a provision in this act, when you continue this jurisdiction, which shall not only continue the jurisdiction, but shall require the recognition of the only title, so well described by the honorable Senator from Indiana, the title in the citizen by his right of possession under the United States, his prior right of possession. We say the Government of the United States own all these lands. We go out and enter upon them. I take, in accordance with the rules of local recognition, a certain possession. You recognize it, every man in the community recognizes it; but finally a disorderly man comes along and says, "Sir, you have got too much there," or "You have got what you do not own," and he undertakes to eject me by force; or when I am absent from the possession—as has absolutely occured to me personally, for I have labored in the

mines—before I rise in the morning, before the break of day, a party comes and violently seizes that which was mine by quiet, peaceable possession. If I do not see fit to exercise force in ejecting him, what is my remedy? I bring an action in one of the local courts. How is the case determined? Witnesses are summoned, called in, and sworn; the testimony goes to the first possession. The case is decided according to the testimony, and according to the priority of possession. The party who loses feels aggrieved and he appeals. The record is sent up, and the case is still maintained in the upper court upon the rule of priority of possession and the equity of it; and it is, as I said before, upon this equity and upon this rule that all our rights of property in the mine now rest. Will you disturb them? Will you not adopt a provision, when you are continuing this jurisdiction, to prevent the causes from being sent out of court for want of jurisdiction, because the property is in another, namely, the United States, and not in either party, plaintiff or defendant? I am sure there can be no objection to that.

The gentlemen who ask for the passage of this act, as I understand the honorable Senator from Maryland does, desire the Supreme Court to pass upon it. Am I not right in that? The honorable Senator from Maryland responds that I am. Then let us guard ourselves against being rejected from that court and above all against the terrible consequences to all mining property of such a rejection. I ask Senators to pause, and I ask Senators who have charge of this bill and who have reported it here, to pay attention to the great interests that are involved in the decision they are about to make. I agree with Senators who have spoken, and especially with the honorable Senator from Indiana, that at an early day it is our duty to enter upon the question of the disposition of these lands.

It is almost a crime, Mr. President, in the United States Government to permit communities to grow up, Territories to be organized, States to come into being, now three mining States in this Union, within the next quarter of a century to be perhaps twenty States, built upon what? Upon the basis of the right of possession to their property. To my mind the picture of twenty States in this Republic, whose people shall not be bound to the Government by the ownership of the soil they live upon, is perfectly frightful. It is a premium upon vagabondage; it is a reward to itineracy; it is against all social, moral, and political advancement.

I admit, sir, that in the remarks I have made I have gone away from the exact point before the Senate, but I have been tempted to do it that I might call the attention of Senators seriously to all that is involved in this question of the disposition of the mineral lands, to the question of where the title shall remain. I hope again, in closing, that no Senator will object to continuing specifically the jurisdiction of the Supreme Court, since we are about to

adopt a bill to that end, so as to make it certain that in the court of last resort we shall not be ejected because there is title in neither party to the suit.

Mr. JOHNSON. At the proper time, or now, if it is in order, I will propose an amendment as an additional section.

The PRESIDING OFFICER, (Mr. POWELL in the chair.) The amendment of the Senator from Nevada is now pending, and an amendment to that amendment is in order.

Mr. JOHNSON. I move to amend the amendment by substituting for it the following:

And be it further enacted, That no possessory action in any of the courts of the United States for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land in which such mines are is in the United States.

Mr. STEWART. The more I think of this question, the more thoroughly satisfied I am that we have not met it fully by that amendment, and the more thoroughly satisfied I am that when we are legislating upon a question which must bring up and produce important results upon the mining titles, we should meet the whole question in some form so that those titles may be protected.

I think that if the bill be laid over we can agree upon something that will protect the parties. On examination it will be seen that this section not only provides for cases that are now pending in the Supreme Court on appeal, but it provides for bringing up all the litigation from Nevada Territory from its first organization until now, and I assure the Senate that all the important claims in Nevada have been through the courts; and to bring them up here without some legislation as to the mode of procedure when they get here, some recognition of our local customs, would be destructive to our rights, and would certainly injure us a great deal during the coming year. I renew the motion—I regret to do it—that the further consideration of the bill be postponed until some amendments may be perfected to it. I presume we can soon agree to the amendments if we have time to perfect them.

Mr. SUMNER. I will make a motion which will be a substitute for the motion of the Senator, that the Senate now proceed with the consideration of the report of the committee of conference on the freedmen's bill. ["Oh, no."]

Mr. DOOLITTLE. This whole debate has gone on by the courtesy of the Committee on Indian affairs. A bill of that committee is pending before the Senate, and I have been waiting, expecting that the Nevada bill would come to a vote, for about two hours. The bill of the Indian Committee to which I refer was discussed yesterday and was regularly in order before the Senate at one o'clock to-day, and I wish to have it disposed of before we take a recess at half past four o'clock.

Mr. SUMNER. I wish also that the report of the committee of conference be acted on. That ought to take precedence.

Mr. DOOLITTLE. That is out of order, because the other is in order. I suggest to my friend from Connecticut as there are several amendments to his bill, one by the Senator from Maryland and one by the Senator from Nevada, that he let it now go over and be the regular order of business for to-morrow in the morning hour, so that I may call up the Indian bill to which I have referred and have it disposed of.

Mr. JOHNSON. I offer the amendment which I have read, as I understand I can do, as a substitute for the amendment offered by the Senator from Nevada. I say to that Senator and to the Senate that in my opinion it will cover the case for which he desires to provide. I understand that his difficulty is that the possession in mining privileges is not protected by suit because the courts here hold that the paramount title is in the United States, and no title except a title acquired under the United States by patent can be protected. This amendment says that in no such case shall the fact that the paramount title to the land in which the mines are is in the United States have any influence.

Mr. FOSTER. To the amendment offered by the Senator from Maryland to the amendment of the Senator from Nevada I have no objection. I am not authorized to speak for the committee, because it has not been before them, but I doubt if the committee would object to it. It seems to me that it will protect the claim of the Senator from Nevada as fully as his own amendment; and if it be adopted and the bill be passed with that amendment, we may get rid of what appears to me is likely to be a very protracted discussion. The Senator from Massachusetts wants to get up another bill; the Senator from Wisconsin wishes to proceed with his bill; and there are various other bills that are equally pressing. If we drop this bill now, it is dropped until it will be too late to act upon it. There is not another bill before the Senate which if passed at any time before the session closes will not have all the effect it will have if passed to-day; but unless this bill is passed and passed through both houses before the 27th, this being the 21st of the month, it might as well not be passed. I may suggest, therefore, to Senators that it seems to me they are attacking a bill which is certainly of great importance and which is more pressing in its necessities than any bill before the Senate. I hope there will be no disposition to put it off, and that Senators will not be disposed to discuss it more than is necessary; I by no means suggest that they do, but I trust our words may not only be chosen but few.

Mr. STEWART. I call for the reading of the amendment of the Senator from Maryland again.

The Secretary read, as follows:

And be it further enacted, That no possessory action in any of the courts of the United States for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land on which such mines are is in the United States.

Mr. CONNESS. I think that will meet the case.

Mr. FOSTER. I have no objection to that.

The amendment to the amendment was adopted, and the amendment as amended was agreed to.

Mr. STEWART. I am not fully satisfied that the provision covers the case. If under it the principle of prior possession would be recognized without any controversy by the courts, if it would prevent the pleading of outstanding title in the United States—

Mr. JOHNSON. It does that.

Mr. STEWART. But I do not think it quite meets the case of allowing prior possession to be set up.

Mr. JOHNSON. Certainly it does. It meets that very case.

Mr. DAVIS. I suggest to the Senator from Maryland that he add these words, or something equivalent to them, "but each case shall be adjudged upon the law of possession."

Mr. JOHNSON. I have no objection to that. I understand that to be the effect now.

Mr. STEWART. With the words proposed to be added by the Senator from Kentucky, I have no objection.

Mr. JOHNSON. Let those words be added.

The PRESIDING OFFICER. That modification will be made, if there be no objection. The Chair hears none.

The amendments were ordered to be engrossed, and the bill to be read a third time. The bill was read the third time, and passed.

The House of Representatives did not concur in all the action of the Senate, and the differences were referred to a Committe of Conference, consisting of Mr. FOSTER, Mr. REVERDY JOHNSTON, and Mr. STEWART of the Senate, and Mr. HIGBY, Mr. H. G. WORTHINGTON, and Mr. FRANCIS KERNAN of the House of Representatives. The Committee recommended that the House of Representatives recede from its disagreement to the amendment of the Senate, striking out sections five and nine of the House bill; that the Senate recede

from its amendment proposed in section five of the bill as amended, and in lieu thereof adopt sections six, seven, and eight of the House bill; that the House recede from its disagreement to the amendment of the Senate in section six of the bill as amended, with an amendment, as follows: Add at the end of the section the words "*Provided*, That said appeals shall be prosecuted, and said writs of error sued out at any time before the first day of July, 1866;" that the Senate concur in that amendment, and that the House recede from its disagreement to the amendment of the Senate in section seven of the bill as amended, with an amendment, as follows: after the words "possessory action" in the second line insert the words "between individuals."

The two houses agreed to this report, and the bill became a law, as follows:

AN ACT

Providing for a district and a circuit court of the United States for the district of Nevada, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Nevada shall hereafter constitute one judicial district, and be called the district of Nevada. And for said district a district judge, a marshal, and a district attorney of the United States shall be appointed.

SEC. 2. *And be it further enacted*, That the said district of Nevada shall be attached to and constitute a part of the tenth circuit. And a term of the circuit court of the United States for the said district shall be held in the city of Carson, in the State of Nevada, on the first Monday of March, and on the first Monday of August, and on the first Monday of December of each year. And a term of the district court of the United Statss for the said district shall be held at the said city of Carson on the first Monday of February, and on the first Monday of May, and on the first Monday of October of each year.

SEC. 3. *And be it further enacted*, That the district court of the United States for the district of Nevada, and the judge thereof, shall possess the same powers and jurisdiction possessed by the other district courts and district judges of the United States, and shall be governed by the same laws and regulations.

SEC. 4. *And be it further enacted,* That the circuit court of the United States for the said district of Nevada, and the judge thereof, shall possess the same powers and jurisdiction in said district which are vested in said court and said judge in the other districts of the tenth circuit.

SEC. 5. *And be it further enacted,* That the district judge appointed for the district of Nevada shall receive as his compensation the sum of thirty-five hundred dollars a year, payable in four equal instalments, on the first days of January, April, July, and October, of each year.

SEC. 6. *And be it further enacted,* That the marshal and district attorney of the United States for said district of Nevada, and also for the district of Oregon, shall severally be entitled to charge and receive for the services they may perform double the fees and compensation allowed by the act entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February twenty-six, eighteen hundred and fifty-three: *Provided,* That the aggregate compensation allowed said officers shall not exceed the amount provided for such officers by said act.

SEC. 7. *And be it further enacted,* That the third, fourth, and fifth sections of the act of February nineteenth, eighteen hundred and sixty-four, entitled "An act amendatory of, and supplementary to, an act to provide circuit courts for the districts of California and Oregon, and for other purposes," approved March third, eighteen hundred and sixty-three, shall be applicable to the appointment of special sessions of the circuit court in the districts of Nevada, and to the appointment of clerks and deputy clerks of the circuit courts of the districts of Nevada and Oregon. And that the clerk of the circuit court in the districts of Nevada, Oregon, and California shall be also clerk of the district court in said districts, and shall receive for like services the same fees and compensation which are allowed by law to the clerks of the circuit and district courts of the United States for California: *Provided,* That the clerk in each of said districts shall be allowed by the Secretary of the Interior to retain of the fees and emoluments received by him as clerk of both courts, over and above the necessary expensess of his offices and necessary clerk-hire included, to be audited and allowed by the proper accounting officers of the treasury, only such sum per annum as is now allowed by law to the clerk of one of said courts, and shall pay the remainder into the public treasury, under oath, in the manner and under the regulations now prescribed by law.

SEC. 8. *And be it further enacted,* That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States, upon any record from the supreme court of the Territory of Nevada, may be heard and determined by the Supreme Court of the United States and the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the district court of the United States for the district of Nevada, or to the supreme court of the State of Nevada, as the nature of said appeal or writ of error may require, and each of these courts shall be the successor of the supreme court of Nevada Territory as to all such cases, with full power to hear and determine the same, and to award mesne or final process thereon. And from all judgments and decrees of the supreme court of the Territory of Nevada, prior to its admission into the Union as a State, the parties to said judgments and decrees shall have the same right to prosecute appeals and writs of error to the federal courts as they would have had under the laws of the United States if this act had been passed simultaneously with the act admitting said State into the Union: *Provided,* That said appeals shall be prosecuted and said writs of error sued out at any time before the first day of July, eighteen hundred and sixty-six.

SEC. 9. *And be it further enacted, That no possessory action between individuals, in any of the courts of the United States, for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land on which such mines are is in the United States, but each case shall be adjudged by the law of possession.*

Approved February 27, 1865.

GIBSON BROTHERS, Printers, 271 Pennsylvania Avenue, Washington, D. C.

26

25.214

INV. 1898.

AN ADDRESS

TO THE

Legislature of the State of California,

BY

A TAX-PAYER.

To the Legislature of the State of California.

You have no more delicate, difficult, or important subject before you, than the taxes you are to impose upon the People you represent. It is not supposed that when you shall have made them as just and uniform, as with your combined wisdom and experience is possible, that you will elicit any other token of approbation from your constituents, than a heartfelt "thank God that they are no worse." It is nearly, or quite, a century since one of the wisest of British statesmen said: "To tax and to please, any more than to love and be wise, is not given to man." Human nature remains the same, and no one of you needs now to be told, that the imposition of taxes is not one of the roads to popularity. It is then doubly important, that all that you do in that direction shall be based upon correct principles, uniform in its application, and, as far as possible, so regulated as to work the least injustice or injury to the community. Exercising the right of every citizen, I propose briefly to discuss one or two questions, that you now have under your consideration.

As the law now stands, money at interest or loaned, secured by mortgage or otherwise, is the subject of taxation. The public sentiment has not hitherto sustained the law, but a half-formed consciousness that such a tax is unjust in

its operation, has prevented its being enforced. In a few cases it has been imposed, and the courts have been appealed to, to settle the question involved. Having no discretion when a statute is plain, but to declare "thus saith the law," the court of last resort has been compelled to sustain the tax, and the defeated suitors have now come to you for relief. They say: "By a common misunderstanding, in no degree our fault, a few of us have been singled out for this taxation. A large majority of interests of the same kind have escaped. Taxation that is not uniform, is not just. Why should we be made to pay a large amount of arrearages, to swell the sum in the Treasury, and thus diminish the amount necessary to be raised by new taxes, while holders of many times the sum that we hold, and of similar securities, not only escape the payment thus imposed upon us, but actually have their taxes for the coming year diminished by their proportion of the amount we are thus compelled to pay?" It is not easy to answer this question without abandoning the idea that uniformity of taxation is indispensable to its justice. But they say further: "With but few exceptions, it is only the interests of this character, of Savings and Loan Societies, that have been assessed. Private individuals have mostly escaped, but the small savings of the poorer classes, aggregated together so that the largest benefit to the community could be derived from them, have been selected to test this question. But the tax is for years that are gone. Depositors have been constantly changing, and, to a very large extent, those whose interests were then assessed have withdrawn their funds. The money now there belongs to the present depositors, and to compel them to pay the taxes of their predecessors, would be a double injustice. There was no power to oblige a man, who withdrew his funds, to leave

a portion to meet the possible results of a suit that might not be decided for years. If claimed, he would have answered, that he had been taxed for every dollar of his 'money on deposit,' and that he was not bound to pay a double tax."

Thus, then you are asked to remit this tax wherever it has not been collected, upon the double ground, that it was imposed upon but a few out of the many who were subject to it, by the honest mistake of the public officers, and that, if now enforced, it will to a large extent be at the expense of those who were not parties in interest when the tax was levied, and have themselves paid upon all that they own. Surely your answer cannot be doubtful.

You will then encounter the question, "Is it right to continue this tax for the future?" If it can be clearly demonstrated that it is wrong in principle, and unjust in its operation, you will have no hesitation in sweeping it from the statute book.

The purpose of taxation is to tax *property*—goods, wares and merchandise, lands and tenements, and the money that will buy them; these are the legitimate subjects of taxation, and to tax them uniformly and *but once each for the same tax*, should be the highest study of the tax-imposing power. Money wherever it is, property in whose hands soever you may find it, should be taxed, and should be holden for the payment of the tax. It is important to keep in mind, that the tax is in no sense a *poll* tax. It is not upon the *person*, but upon the *property*. Nothing but the supposed possession of the property creates any liability upon the individual to pay the tax. Neither himself, his character, his credit, or his hopes, are the subject of taxation, but only what he actually holds and owns. Let us apply these principles.

To-day, I have $20,000 in cash. The money is subject to taxation. I lend it to my friend, and it is then his. He secures me by mortgage, and promises that he will repay me soon, and I believe that he will. To-morrow, the assessor inquires for that money, in order that he may tax it where it belongs. He finds the borrower the holder and owner of $20,000. He assesses it to him. But then he says that I have money out at interest, secured by mortgage for a like sum, and he proposes to put that also upon his roll. I object that by lending the money to my friend, I have not doubled it—that there is not $40,000 where before there was but $20,000—that it is not for the State to impede the circulation of money and the growth of business, by taxing capital, and credit also; and that it is almost the same as if in imposing a poll tax it should be charged upon each man and upon his shadow in addition. The assessor says that such is the law, and I answer, "*Then the law should be changed.*"

Other and stronger cases suggest themselves. An enterprising young farmer wishes to purchase a farm. His industry and energy have won the confidence of his landlord, and he is willing to sell him the land he wants, and wait for his pay until he can make the money. The transaction is a good one for them, and good for the State. The more farmers helped to own their farms, the better for all. But the law steps in and says to the landlord: "No; if you keep your land, and keep him dependent, you need only pay taxes on your land; but if you make a contract with him that he will pay you for it when he makes the money, the land shall still be taxed as before, and you shall pay, in addition, three per cent. per annum, (that being about the average of taxation) *upon the money that he hopes to earn and pay you in a few years.* You may get it, and you may not.

If he dies, or fails, you must pay a double tax, simply for having tried to help a man into a position where he would have been a tax-payer himself. There was not, and never had been, any money in the transaction that ought to have been taxed. The landlord had trusted him with the land, upon the faith that he would get other property to return for it. Until he gets it, that other property in the shape of money is in other hands, and presumptively taxed there. The land is property, and has its own tax. The debt is secured by the land, and thus the land is taxed as land, and taxed as security also. In the nature of the case, this burden must all fall upon the buyer, and thus he is taxed upon the land that he hopes to pay for, and the money that he hopes to earn to pay for it with. The wrong of taxing money that is only promised, and never existed, is so plain that no sophistry can disguise it. It is a tax upon credit and not upon property, and every provision that subjects the unpaid purchase money of property to taxation should be repealed.

The evil extends further. The Savings and Loan Societies are institutions of unmixed good. In a young and vigorous State, energy and enterprise are always crippled by the scarcity of capital. Large fortunes are the growth of older communities, and in new countries the lenders of money are few. But there is always an amount in small sums among the people, that, if gathered together and made available for the purposes of business, will become of inestimable value in the development of the country. These societies were organized that the masses, the laboring men and women, the widows and orphans, and the children of industry, might be enabled to find a secure and profitable investment for small savings—to stimulate and encourage provident habits—to awaken a just pride and

ambition in those who had no motive to save, since their earnings had no status in the commonwealth, and who were continually the victims of designing men. The first institution of this character in San Francisco was organized July 23, 1857, and at the end of the first six months its deposits only amounted to $21,521 98. Eleven years have passed, and that and the other similar institutions that have since been organized, have now over $17,000,000 thus accumulated, belonging to upwards of 22,000 depositors, with an average of $725 to each depositor, and loaned out for the promotion and encouragement of every branch of industry in the State; yet, as the law now stands, these depositors, as a class, are singled out and assessed, through the societies which represent them, for every dollar of their savings. These societies have done more to lower the rate of interest than all other causes combined; and it is in a large measure due to them that it is now possible to reduce the legal rate to seven per cent. per annum. How will the law, if their money at interest is to be taxed, affect them?

It will subject their depositors to double taxation. Each is taxed on all the money that he has on deposit. The officers, acting for him in common with the other depositors, have loaned the money and hold mortgages for it. They are taxed again, on the loans of their money. The borrower has the same money, and it is taxed again in his hands. The land which he has pledged as security, is taxed again, and the improvements he makes upon the land with the money are taxed also. In this whole transaction there is no *property* but the land and the money, yet four taxes must be paid upon it, because the Savings Societies have stepped in and made it possible for the borrower to get the money to make it available for his own and the public good.

In no sense do these institutions own any property that ought to be taxed. They are mere agents, standing between the lender and the borrower, and benefiting both. The securities they hold are the precise property for which the depositors themselves are taxed, and out of which their money must come when they demand it back. The lender is thus taxed upon the money he has deposited and upon the loan which, by his agent, he has made of the same money. If his deposit be $500, he has only that sum for the support of his family, but he has $1,000 for the purpose of being taxed upon it. It needs no argument to show, that if money cannot be made, as it now cannot, to earn in these institutions over ten per cent. per annum, and three per cent. of that must be paid as the aggregate tax, and three per cent. more by each individual depositor upon the amount of his deposit, that their net income will be but four per cent. per annum, and that thus, by an unjust law, these beneficent institutions will be entirely destroyed.

There is yet a broader view to be taken. Great enterprises are rarely carried on by men who have money to lend; and in California, the Legislature that should provide the way by which capital would be made cheap and abundant, upon good security, would be the greatest benefactor that the State has known. Would it be likely to accomplish this result, by doubling the tax upon capital thus used? All other property pays its own tax where it is; but this mode of taxation makes money loaned pay where it is, and where it is expected to be also. Here is the fallacy of the whole argument in its favor. It assumes that although a man has loaned his money to another, and thus made it the borrower's property, yet that he has still got it himself. That the right of property is in the borrower only, yet that for the purposes of taxation, both have it all. That neither

can manufacture money without violation of law for any other purpose, yet they can make it *ad infinitum* for the purpose of taxation, by merely passing it from one to another and taking security to pay it back. It does not occur to those who use this argument that the inverse process is equally destructive to this taxation of manufactured property. A lends B $1,000, and takes his mortgage at one per cent. B lends it to C at one and a fourth. C lends it to D at one and a half. The assessor makes up his roll, and A, B and C are each taxed upon the mortgages they hold, and D upon the money. Thus $4,000 of taxable property are added to the public wealth, and twelve per cent. is collected as the tax upon the $1,000 that has been the means of thus helping to enrich the State. But D concludes to pay his mortgage; and that money, or an equal sum, is put upon the back track. Each of the mortgages in turn is paid by the same money, and now only the original sum remains. The State has lost $3,000 for the purposes of taxation, and from its supposed aggregate wealth, by having three of its citizens pay their debts; and yet there is exactly as much money and as much *real* property in the community as there was before. Thus, as said above, this system makes one kind of property pay where it is, and where it is not also. The manifest effect must be to throw increased difficulty in the way of borrowers, and to render it difficult, if not impossible, to obtain loans upon mortgage in the State. If borrowers are thus driven to make loans out of the State, it will create a steady drain from us to pay interest that will impoverish the people far more than can be gained by any such unjust and double tax.

Such a result would further check the general prosperity to a degree that is not now appreciated. Folsom has a water power greater than Lowell, yet it can never be devel-

oped and made available without borrowing a large sum upon its property. Five millions spent there in buildings, mills, factories, and other improvements, would give employment to labor, create a home market for our agricultural products, and add many millions to the value of real estate. Thus the taxable property of the State would be immensely increased, yet all experience shows that it can only be done when capital is cheap and to be readily had upon such security. It is held back now, waiting for that day to arrive, and the State is to that extent the loser by the delay. Everything that encourages such loans, hastens the day when these great resources, there and elsewhere, shall be developed. Everything that embarrasses or prevents them, retards in equal degree the general prosperity. What is true of Folsom, is equally so of many other places in the State.

The idle pretext of "protecting the borrower" is one that no longer has any existence, except in the fossilized brains of the ancient maidens of finance, that went to sleep in the last century, and have but just awoke. The borrowers need no protection. They are the best judges of their own interests, and would universally ask to be let alone. Restrictions always react on them. Penalties have really to be borne by them, however disguised, and at this day a law to protect buyers of horses against giving too much for them, would be exactly as efficacious, and as likely to be enforced, as one that would compel a borrower to be ruined because he was forbidden to pay what the money to save him was worth in the market, when he could not get it for less.

In conclusion it is respectfully submitted, that the simple, just and uniform rule is to tax property and money wherever they are found. Possession is *prima facie* evi-

dence of title for other purposes, and it should be for taxation also. Let credits, based upon property, alone, until they ripen into property in possession. California is emphatically a *real* money State. Credit, as such, is not known to our financial system. Our taxes are required to be paid in gold. The whole spirit of our institutions is against materializing promises that may never be fulfilled, and making them the subject of taxation. If the State compels the tax-payer to pay upon them by its mere assertion that they are property and will some day be paid, then it ought to guarantee that they shall produce at least as much as it forces the tax-payer to pay, by reason of its own arbitrary estimate of their value. Such a rule is uniform and just when the State is prosperous, and when reverses come it avoids the wrong of collecting taxes upon securities that may prove to be worthless before their maturity. It leaves each party, as a full-grown man, to take care of himself, and will, more than anything else, tend to cheapen money and make it available in advancing the general prosperity.

A TAX-PAYER.

SPEECH

27

2 Ll. 954

INV. 1898.

OF

HON. J. R. THOMSON,

[John Renshaw Thomson]

OF NEW JERSEY,

ON THE

CONQUEST OF CALIFORNIA;

DELIVERED IN THE

UNITED STATES SENATE, AUGUST 9, 1856.

WASHINGTON:
PRINTED AT THE UNION OFFICE.
1856.

SPEECH.

The following resolution being under consideration—

Resolved, That the President of the United States be requested to furnish the Senate with copies of the despatches from Commodore Stockton in 1846, forwarded by Mr. Christopher Carson, giving an account of his operations in California; also, if in possession of the government, any despatch or history from Messrs W. B. Ide, John Grigsby, and Samuel Nash, relative to the declaration of independence, or the hoisting of the Bear flag in California, previously to the arrival of Commodore Sloat on that station—

Mr. THOMSON addressed the Senate as follows:

Mr. PRESIDENT: I had the honor to submit, a few days ago, to the Senate, a resolution asking for copies of the despatches which Commodore Stockton forwarded from California to the government in 1846, by Mr. Christopher Carson; and for a copy of a report or history of the origin and completion of the revolution in California, signed by Wm. B. Ide, John Grigsby, and John H. Nash.

These documents, I think, would throw light upon a subject which, from various causes, has been much misunderstood by the people generally, and I hope it may be in the power of the proper departments to furnish the information which has been asked for.

These documents relate, sir, to the early history of the revolutionary and military movements of the American settlers, and to the operations of the United States naval forces under Commodores Sloat and Stockton in California.

Mr. Fremont has frequently been termed the conqueror of California. Resolutions, adopted by political meetings, have repeated the assertion, until many intelligent persons sincerely entertain the opinion that such is the fact. The title to the 164th chapter of Mr. Benton's "Thirty Years' View" is, Fremont's Third Expedition *and Acquisition of California*. In the Biography of Mr. Fremont, recently published, the same claim is also preferred. And it has been adopted as true by the compiler of a book of historical incidents of American history, published in Boston by John Philbrick, 1856. But, Mr. President, as a citizen of New Jersey, I feel called upon to dispute this claim in favor of Mr. Fremont, and to assert it for one of the most distinguished sons of that State, my constituent and friend, and predecessor in this honorable body, Commodore Stockton.

In the examination which I now propose to make in reference to this claim in behalf of Fremont, it will be perceived, I think, that many persons (even of the highest official rank, and with the best means of obtaining correct information) have been led into error on this subject. The artful manner in which the acts of Mr. Fremont have been exhibited, and the prominence given to him, to the exclu-

sion of all others, in the narratives of events in California, published in advance of official documents, induced their belief that he was the chief actor in all the movements and battles which preceded the acquisition of that country.

The same impression was, no doubt, made upon the mind of many who read the message of the President of the United States in 1846, and the report of the Secretary of War of the same year.

The language of the President alluded to, indeed, was probably furnished by Mr. Benton. The President says: "Our squadron in the Pacific, with the co-operation of a gallant officer in that distant country, have acquired bloodless possession of California."

The reason why I impute to Mr. Benton the authorship of this paragraph in the President's message is, first, because, in his "Thirty Years' History," he makes the claim for Fremont of the acquisition of California; and because, in the 165th chapter of that work, he says that the President's message was submitted to him before being sent to Congress, and was by him modified and altered.

The President of the United States could have had no motive whatever to exalt Fremont at the expense of Stockton; but Mr. Benton's relations to Colonel Fremont were such as would naturally induce him to claim for the latter an undue share of merit. Accordingly, Stockton is ignored—"*our squadron*" substituted for him. His name is not mentioned, and the co-operation "of a gallant officer" made prominent.

Not content with inducing the insertion in the President's message of the paragraph referred to, there is intrinsic evidence that Mr. Benton furnished to the Secretary of War those portions of his report which are now cited by Fremont's admirers to prove him a conqueror. On page 173 and 174 of Niles's Register, vol. 71, will be found a letter of Mr. Benton's to the President of the United States, dated November 9, 1846, in which he states the movements of the American settlers who had declared the independence of California, and also Mr. Fremont's participation with them. *All his facts are obtained from Fremont himself*, whose letter reciting them appears in the same volume of Niles's Register, page 191, and from letters addressed to Mrs. Fremont by her husband from California.

I have prepared extracts from these letters, with which I will not detain the Senate, but ask that they may be printed with these remarks.

Mr. Benton, in the letter referred to, to the President of the United States, dated November 9, 1846, to be found in Niles's Register, vol. 71, p. 173, states that—

"After the most anxious deliberation upon all the dangers of his position, and upon all the responsibilities of his conduct, Captain Fremont determined to turn upon his pursuers and fight them instantly, without regard to numbers, and seek safety for his party and the American settlers by overturning the Mexican government in California. It was on the 6th day of June that he came to this determination; and the resolution being once taken, all half-way measures were discarded, and a rapid execution of the plan was commenced. On the 11th of June a supply of two hundred horses for Castro's troops, on the way to his camp, conducted by an officer and fourteen men, were surprised at daylight, and the whole captured; the men and officers being released, and the horses retained for American use. On the 15th, at daybreak, the military post at Sonora (the point of rendezvous and intended headquarters) was surprised and taken, with nine pieces of brass

cannon, two hundred and fifty stand of muskets, other arms and ammunition, with several superior officers, General Vallijo, (Val-ya-ho,) his brother, Captain Vallijo, Colonel Greuxdon, and others, all of whom were detained and confined as prisoners. Captain Fremont then repaired to the American settlements on the Rio de los Americanos to obtain assistance; and receiving an express from his little garrison of fourteen in Sonora that General Castro was preparing to cross the bay of San Francisco and attack them with a large force, he set out in the afternoon of the 23d of June with ninety mounted riflemen, and, travelling day and night, arrived at two o'clock in the morning of the 25th at Sonora, eighty miles' distance. The vanguard of Castro's forces had crossed the bay—a squadron of seventy dragoons, commanded by De la Torre, which was attacked and defeated by twenty Americans, with a loss of two killed and some wounded on the part of the Mexicans, and no injury to themselves, De la Torre barely escaping with the loss of his transport boats and spiking six pieces of artillery.

"The north side of the bay of San Francisco was now cleared of the enemy; and on the 4th of July Captain Fremont called the Americans together at Sonoma, addressed them upon the dangers of their situation, and recommended a declaration of independence, and war upon Castro and his troops, as the only means of safety. The independence was immediately declared and war proclaimed. A few days afterwards an officer from Commodore Sloat brought intelligence that the American flag was hoisted at Monterey—an example which was immediately followed wherever the news flew. The pursuit and defeat of Castro were the only remaining enterprise. He had fled south towards the numerous Mexican settlements beyond Monterey, with his four or five hundred men; and Captain Fremont, leaving some fifty men in garrison, set out with one hundred and sixty mounted riflemen in the pursuit, when he received instructions from Commodore Sloat to march upon Monterey. He did so, and found Commodore Stockton in command, approving the pursuit of Castro, and aiding by all means in his power. The sloop-of-war Cyane was put at his service," &c.

In these letters it will be found that Fremont recites various successful military actions. *He does not say that he participated in them*, but states them in such a way as to leave the inference irresistible that he did so. Mr. Benton and Mr. Marcy both take such for granted, and so, indeed, would any one on reading the artful connexion in which they are stated. Besides, there are no documents on file in the department from which the Secretary could have made up the statement in his report, except the letters of Colonel Benton and Mr. Fremont.

The Secretary in his report states no more and no less than is contained in those letters, and sets forth the facts in the order precisely as stated in them.

These facts relate to the time when Fremont joined the movement of the American settlers in favor of independence, to two actions in which the Californians were defeated, and the taking of Sonoma. The Secretary relates these events so as to produce the impression (no doubt made on his own mind) that Fremont was among the first to countenance the independent movement; that he took part in the defeat of the Mexicans and the capture of Sonoma.

But we have, however, positive proof showing that Fremont had *nothing* to do with these several events.

In Niles's Register, vol. 73, pp. 110 and 111, will be found a history of the movements of the American settlers in May, June, and July, 1846, prior to Commodores Sloat and Stockton's arrival in California. This history was compiled and published by the settlers themselves, and signed by the names of the leaders, W. B. Ide, John Grigsby, and John H. Nash. But the credit which belongs to these adventurous and enterprising Americans for their gallant deeds has been appropriated to Fremont, without any acknowledgment what-

ever; nor are their names even to be found in any of the private letters or despatches to government which have yet been published.

I ask to print the extracts which I have made from this history with my remarks:

"Information was received by Mr. W. B. Ide, living on the Sacramento, on the 8th of June, by letter, brought by an Indian runner, that 200 mounted Mexicans were on their march up the Sacramento river, with the design of destroying the crops, burning the houses, and driving off the cattle belonging to the foreigners. Mr. Ide immediately visited the settlements on the Sacramento, and finding most of the men of the valley with Captain Fremont, repaired to his camp. He then conversed with Captain Fremont on the subject of the revolution, who advised immediate organization and resistance on the part of the foreigners, but declined any action on his part, or that of the men under his command. Captain Fremont then informed him that he then expected to leave for the States in two weeks. In the meantime, a party of Americans had gone in pursuit of some Mexicans who were collecting horses, had taken them prisoners, and secured 200 of their animals, which were to have been mounted by Mexican soldiers, and employed in expelling the foreigners, as well as Captain Fremont, from the country. It was quite apparent that further and more decisive action was necessary to secure the lives and property of the immigrants: and it was determined to seize the fort of Sonoma, where many of the government officers were quartered and munitions of war were stored. A party was raised, and upon the 14th of June arrived at and seized Sonoma by surprise, and without resistance, and directly thereafter Wm. B. Ide was elected commander of the party. Dr. Semple immediately called a meeting, with the view of taking some action for forming a provincial government. The prisoners were sent to the Sacramento, and placed under the protection of Captain Fremont, and the property of the Fort secured, and a garrison established for its further protection.

"Measures were adopted in reference to foreign importations; Horace Saunders was appointed commissary. A national flag was agreed upon. 'Captain Ide was made captain-general.' 'Measures were taken to secure public and private property.' 'The general-in-chief on the 16th despatched Mr. Todd on a mission to Captain Montgomery, of the United States ship Portsmouth, for the purpose of obtaining a quantity of gunpowder. He declined furnishing it, on the ground that, so far as he knew, the United States were at peace with the Mexican government,' &c, &c.

"On the 21st, Captain Grigsby returned from the Sacramento valley, and was elected captain of the 1st company of riflemen, and the fort placed under his command. Lieutenant L. H. Ford was despatched in pursuit of a company of Mexicans, and found them; they proved to be two hundred in number; gave them a fight, killed eight, and wounded thirteen, after which they fled. This victory gave a decided character to the revolution, and convinced the Spaniards that it was not prudent to attempt the capture of any more prisoners.

"The 25th of June, Captain Fremont and the men under his command arrived at Sonoma, and were received with joy by the garrison, which was composed of about one hundred men, exclusive of Captain Fremont's command, and of some twenty who were absent on other duty. In the meantime, as report said, General Castro was busy in crossing men from the other side of the bay to San Solito. Captain Fremont invited Lieutenant Ford to accompany him, with the same men he had commanded in the engagement before spoken of, in an expedition against Jose Castro. Three or four days were spent in endeavoring to bring the Mexicans to an engagement, but without success. Castro had succeeded in landing about two hundred men on the north side of the bay, and finding the ground untenable, was desirous of diverting Captain Fremont from his object of pursuit, while his men might re-embark. He accordingly sent three men, with papers calculated to deceive Captain Fremont into the idea that Sonoma was, on a certain time, to be attacked by a large force, and ordered them to discover themselves to his command. The stratagem had the desired effect, although the spies lost their lives. Captain Fremont repaired to Sonoma with all possible despatch, where he arrived at the early dawn of day, and was pleased to find his friends still in the possession o the post, and at the guns with lighted matches in their hands."

"At a meeting called to order by General Ide, Colonel Fremont said he would make a proposition to the men then before him that, although he could not and would not intermeddle in the internal affairs of California, yet, if the men present would pledge themselves to abstain from all acts of violence against peaceful families, and to obey

all orders *of officers of their own choice* in their endeavors to effect the declared purposes of the revolution, he would not only *assist them by his advice*, but that he would volunteer his whole force against Castro, and that he would stand by them, at least until Castro shall have been subdued."

From this history, related in a plain and simple manner, and bearing every evidence of truthfulness, it appears that whilst these important events were transpiring, Mr. Fremont was quietly reposing in his camp on the bank of the Sacramento, and that he did not unite with the American settlers, or render them any assistance, until after they had apparently succeeded in maintaining themselves.

Mr. Benton, and Mr. Marcy after him, represent that on the *6th of June* Fremont formed the determination to commence offensive measures. Messrs. Ide, Grigsby, and Nash say that on the *8th of June, two days after this*, Mr. Ide repaired to Fremont's camp on the Sacramento, and "conversed with him" on the subject of the revolution, and Capt. Fremont "advised immediate organization and resistance on the part of the foreigners, *but declined any action on his part, or that of his men.*" "Capt. Fremont informed him that he then expected to leave for the States in two weeks." Colonel Benton, in his letter to the President, states, as a consequence of "this commencement of offensive measures on the part of Fremont," the capture of a party with 200 horses, and the surprise and capture of Sonoma, so as to produce the impression that Fremont directed and took part in these actions. Such, however, was not the fact. Both of these affairs took place through the agency of the settlers, without his presence or assistance. Again, on the 21st, Lieutenant Ford, at the head of a company of seventy American emigrants, met and defeated two hundred Mexicans. This exploit is also appropriated in the same way by Col. Benton and Mr. Marcy to Mr. Fremont. And it was not until after this, when victory gave a decided character to the revolution, "that Fremont participated in the designs of the emigrants." On the 25th of June, the history states, "Captain Fremont and the men under his command arrived at Sonoma, (Sonoma was taken by the settlers on the 14th,) and were received with joy by the garrison." The remark that they "were received with joy," if nothing else does, shows that Fremont had not acted previously with them, or else there would have been no occasion for such an expression. But Fremont now took the field against Castro, and invited Lieutenant Ford with his command to join him. The history states, "three or four days were spent in endeavoring to bring the Mexicans to an engagement, but without success. Castro was desirous of diverting Captain Fremont. He accordingly sent three men with papers calculated to deceive him into the idea that Sonoma was to be attacked. The stratagem had the desired effect. Fremont set off for Sonoma, and left Castro to retreat in safety. Of course, he found Sonoma unmolested. But Mr. Benton seizes the opportunity to eulogize the wonderful performance of Fremont, in making this false movement, and travelling eighty miles in less than twenty-four hours." "Captain Fremont," continues the history, "and his men, returned in pursuit of Castro, and arrived at the bay *just in time* to see that the last of Castro's men

had re-embarked with all their baggage." This trip to Sonoma is one of Mr. Fremont's "exploits."

The history further shows that the flag of independence was raised in the middle of June by the American emigrants, without the aid, presence, or co-operation of Fremont. Yet Fremont, in his letter to Col. Benton, July 25, 1846, claims to have prompted the declaration of independence on the 4th of July. The "history" states that the national or Bear flag, with the words "California republic" on it, was raised in the middle of June, and before Fremont joined them; and that a provisional government had been organized, and William B. Ide elected captain-general.

Fremont says *he* assembled the people on the 4th of July, and addressed them, and advised a declaration of independence. The history states that the 4th of July was celebrated at Sonoma by reading the Declaration of Independence of the Thirteen States, firing cannon, &c. But on the 6th the companies (of volunteer settlers) were formed and marched into the large hall. The men were called to order by Gen. Ide. There were one hundred and eighty men present, exclusive of Capt. F.'s command, of about forty men. Captain Fremont addressed the assembly, and promised to aid them with his advice, and to co-operate with them if they would pledge themselves to obey "the officers of their own choice." Gen. Ide replied, and said "there was not a man present who had not *already* volunteered his life, his property, and his reputation in an honorable support of the revolution;" showing clearly that the revolution had already begun, and that it had not been *then* first commenced by Mr. Fremont, *as is claimed* for him by himself and his biographers.

This history does not show that the "chief direction of affairs" was given to Mr. Fremont, as is claimed for him; but, on the contrary, Gen. Ide was chief of the movement, and captain general; and by him, "under a discharge of cannon, with appropriate ceremonies," was the flag of the republic of California first raised, and by him, also, was the proclamation of independence signed and issued. The overtures for assistance by the American settlers having been repulsed by Fremont early in June, when they were commencing hostilities, they never thought of investing him with the leadership after their measures had been crowned with success; and, without evidence to the contrary, such a proceeding would have been extremely improbable. But, in the face of these express statements, that Gen. Ide, and not Fremont, was their leader, Mr. Fremont's claim made in his letter to Col. Benton the 25th of July, 1846, must be considered entirely without foundation.

In his Thirty Years' View, Mr. Benton states that "Fremont determined to put himself at the head of the people and to save the country. To repulse Castro was not sufficient—to overturn the Mexican government in California, and to establish Californian independence, was the bold resolve, and the only measure adequate to the exigency."

Messrs. Ide, Grigsby, and Nash, on the other hand, say that Fremont, in the address to the settlers, before referred to, on the 6th of July, declared that he had determined to pursue and take Irre Castro,

whom he considered but a usurper in California, being unauthorized by the Mexican government. He said "*that although he could not, and would not, intermeddle in the internal affairs of California,*" he would, on certain conditions, "not only assist them with his advice, but that he would volunteer his whole force against Castro, and that he would stand by them, at least *until Castro shall have been subdued.*"

How different is this plain statement of the leaders of the revolutionary party from that of Mr. Benton! In it you find nothing of "Mr. Fremont placing himself at the head of the people to save the country"—of overturning the Mexican government in California, as the repulse of Castro was not sufficient—and to establish independence. The "bold resolve" of Mr. Fremont seemed to be unknown to those with whom he was about to co-operate. His engagement with them was for a limited and specific service, and for a single object, and that was the pursuit and capture of Castro, in which he was signally unsuccessful. So far from engaging to overthrow the Mexican government in California and to establish independence, he expressly states that "he cannot, and will not, intermeddle with the internal affairs of California;" and yet the claim is boldly made for him by his father-in-law, of having overthrown the Mexican government and established independence, for he adds, "after the 'bold resolve' was taken, it was executed with a celerity that gave it a romantic success."

Nor is more dependence to be placed in the statements of Mr. Benton with reference to the operations of our naval forces than in those of the settlers which I have just examined.

On the 10th of July intelligence was received by Mr. Fremont, then at St. John's, that Commodore Sloat had arrived and taken possession of Monterey, and planted the United States flag there. And thither he marched, and arrived on the 19th of July, sixteen days after its capture. It would thus appear, then, that in the movements previously to the operations of Commodores Sloat and Stockton in California, Mr. Fremont's part was extremely insignificant. He was in no action whatever. *He does not, indeed, state that he was.* He recites actions which were performed by others, and left his father-in-law to claim for him the credit which belonged to others for their performance. He declined to join the settlers early in June, when his co-operation would have been of service to them. But after they had gained important advantages over the Californians, and were in possession of the strong fort of Sonoma, and when he was in daily expectation of receiving intelligence of war between the United States and Mexico, he volunteered his assistance.

Mr. Benton, as well as Mr. Fremont's biographer, however, claim that Fremont's "exploits" induced Commodore Sloat to seize Monterey, and raise the American flag; and, therefore, they say that the acquisition of California was owing to Fremont; for, if Sloat had not raised the United States flag on the 7th of July, 1846, the British admiral, who arrived soon after, would have seized California for Great Britain.

Mr. Benton, in his "View," chapter 164, states that "Commodore Sloat remained five days before the town, and until he heard of Fremont's operations; then, believing that Fremont had orders from his

government to take California—he having none himself—he determined to act himself. He received the news of Fremont's *successes* on the 6th of July; on the 7th he took the town of Monterey, and sent a despatch to Fremont. The latter came to him in all speed, at the head of his mounted force. Going immediately on board the Commodore's vessel, an explanation took place. The Commodore learnt with astonishment, that Fremont had no orders from his government to commence hostilities—that he had acted entirely on his own responsibility. This left the Commodore without authority for having taken Monterey; for still, *at this time, the commencement of the war with Mexico was unknown.*

But this statement of Mr. Benton is most pointedly and positively contradicted by Commodore Sloat, in his official letter to the Secretary of the Navy, dated "Flag-ship Levant, at sea, July 31, 1846." In it he says: "I have the honor to report, that on the *seventh June* I received, at Mazatlan, information that the Mexican troops, six or seven thousand strong, had, by order of the Mexican government, invaded the territory of the United States north of the Rio Grande, and had attacked the forces under General Taylor; and that the squadron of the United States were blockading the coast of Mexico in the Gulf. *These hostilities, I considered, would justify my commencing offensive operations on the west coast!* I therefore sailed on the 8th, in the Savannah, for the coast of California, to carry out the orders of the department of the 24th of June, 1845."

The Commodore then states that he took possession of Monterey on the 7th day of July, in the name of the United States.

It does not appear from the Commodore's letter, that he had sent any orders or despatches to Fremont, as stated by Mr. Benton, or that he had ever heard anything about him. The only notice he takes of him in his letter is, that Purser Fauntleroy, who had been sent by him to take St. John, a small town in the interior, stumbled upon him there, "found that it had been taken possession of an hour or two previous to his arrival by him," "with whom he returned to Monterey on the 19th," twelve days after its capture. This is all the notice taken of Fremont in this official letter.

So far, then, from its being true that the Commodore was induced by Fremont's operations to take possession of Monterey, he had resolved on the *7th day of June*, at Mazatlan, to sail for California, and commence offensive operations on the west coast. Fremont certainly had performed no exploits, up to this time, which could influence the Commodore's action; for, on the 8th day of June, he refused to cooperate with General Ide and others in revolutionizing California, and did not take any part with them until the 25th of June, after the surprise of Sonoma, the brilliant performance of Lieut. Ford, and the capture of a party with two hundred horses, had all been achieved.

And then there is no evidence whatever that the British admiral ever intended, or had any instructions which would have authorized him to seize California. It is mere imagination.

Mr. Benton, I must repeat, says it was hearing of Fremont's operations and successes, and believing that he had orders from his government to take California, that induced Commodore Sloat to take pos-

session of Monterey; for still at this time (7th of July) *the commencement of the war with Mexico was unknown.* But Commodore Sloat says that it was *because* he had received information *of the existence of war between the United States and Mexico*, and THAT, he considered, would justify his commencing *offensive operations* on the west coast, and therefore sailed in the Savannah for the coast of California to carry out the orders of the department! Now, Mr. President, what were these orders? They were, sir, that, "in the event of war with Mexico, he was directed to employ the force under his command to the best advantage." The Mexican ports on the Pacific are said to be (says the Secretary of the Navy) open and defenceless. If you ascertain with certainty that Mexico has declared war against the United States, you will at once possess yourself of the port of San Francisco, and blockade or occupy such other ports as your force may permit.

Such, sir, were the instructions which he sailed from Mazatlan on the 8th of June to execute, and yet Mr. Benton, in his "View," states it was the operations of Fremont (Heaven save the mark!) which led him to commence hostilities in California, and save the territory from the grasp of Great Britain.

Mr. Benton, in this statement, does great injustice to this gallant officer in charging that he had commenced hostilities against a nation upon no other ground than that, hearing of the operation and successes of Fremont, he *supposed* him to be in possession of orders from his government to take California. I admit, sir, it would be difficult, if not impossible, for one in his position, or in any position, to believe that an officer of the army of the United States would wage war with the forces under his command against an independent nation *without* orders from his government. And the Commodore might well be pardoned for supposing such to be the case. But I have already shown from his official letters that it was not true that he did so. But it, no doubt, confirmed in his mind the truth of the information he had received at Mazatlan of the commencement of hostilities. But, sir, the statement of Mr. Benton in reference to this matter places Mr. Fremont in a most unfortunate position. It exhibits him, sir, in the character of a fillibuster—of a person, without authority, making war upon a friendly power, and employing the forces placed under his command (for a different purpose) to overthrow its government, and establish a republic on its ruins. It was indeed, sir, the assumption of a fearful responsibility, and one which might have involved his country in war, or have lost his own life, with the lives of all his followers, (as was the case with Lopez in his expedition,) if he had been unsuccessful in his operations. But, sir, I do not propose to discuss this question, but in passing merely to remark upon it.

I think that I have now fully shown that Mr. Fremont's claims to the conquest previously to the 19th of July rest entirely upon the assertions of his father-in-law, and as they appear in Secretary Marcy's report of December, 1846.

In thus stating the intervention of Mr. Benton in claiming for Fremont credit for exploits to which he was not entitled, I expressly disclaim any desire to impute to him anything further than a pardonable facility in yielding credence, on grounds entirely insufficient, to state-

ments and inferences calculated to do honor to one connected with him by close family ties. The truth of history, however, requires vindication, and my duty is to expose the errors into which he has been betrayed, and in which, through his agency, others have participated.

And now, Mr. President, I propose briefly to examine the claims of Fremont to the merit of a conqueror *subsequently* to July 19, 1846. That he had no claim before has already been shown.

On the 23d July, 1846, Commodore Stockton took command of the squadron, Commodore Sloat having sailed for the United States. Monterey, Sonoma, at the head of the bay of San Francisco, and Yerba Buena, now called San Francisco, were the chief points in the possession of the United States forces. But all southern California was in arms, and unsubdued. Mr. Fremont was then at Monterey.

Commodore Stockton issued his proclamation on the same day, and announced his intention to conquer the country. Colonel Fremont, in his defence on his trial by court-martial in 1848, thus states his own position at this time, and gives the title of CONQUEROR to another. (See proceedings of court-martial, pp. 374 and 375 :)

"He (Commodore Stockton) determined to prosecute hostilities to the full conquest of the country, and asked not co-operation, but service under him. He made this proposal in writing to Lieut. Gillespie and myself. We agreed to it, and so did our men.

"I went under him with pleasure. I was glad to be relieved from the responsibilities of my position. We went under the command of the naval commander on that station, and it was to the naval commander there that the President had specially assigned the conquest of California. The California battalion of mounted riflemen was then organized, Commodore Stockton appointing all the officers, myself being appointed major, and Lieutenant Gillespie captain. From that time we were part of the naval forces for the conquest of the country."

Again Colonel Fremont says:

"On the 13th of August, 1846, Commodore Stockton, as CONQUEROR, took possession of the City of the Angels, the seat of the governors-general of California. On the 17th he issued a proclamation, or decree as such, for the notification and government of the inhabitants, followed by many others in the same character, and for the better government of the conquered country."

This is the language of Colonel Fremont when his safety depended on making the truth manifest. Under the peril of life he concedes to Commodore Stockton the title of *conqueror of California!*

The peril over, his father-in-law claims for him the merit of being the conqueror, and his biographers assert it also. I might be well content to rest the case upon the above explicit admission of Col. Fremont himself; but as it belongs to a full statement of the truth, I shall briefly relate what part he did take in the conquest of California subsequently to Commodore Stockton's assuming the supreme command. Mr. Fremont, having received an appointment as major of a battalion of volunteers from Commodore Stockton, was ordered, on the 23d day of July, with 160 men, to embark on the sloop-of-war Cyane, Commander Dupont, with directions to proceed to San Diego, and thence to advance on the City of the Angels, to co-operate with him (the Commodore) in the proposed attack on the Californians.

Mr. Benton, in his letter to the President of the 9th November, 1846, says "the sloop-of-war Cyane *was put at his service*"—no doubt

to produce the impression on the mind of the President that Fremont was acting *independently*. But Fremont himself, in his letter to Mr. Benton of 25th July, 1846, says expressly: "We are under *orders* to embark to-morrow morning on board the Cyane sloop-of-war, and disembark at San Diego, immediately in the rear of Castro."

Stockton proceeded to San Pedro, twenty-eight miles from the City of the Angels. There he waited a week for Fremont to co-operate with him. Finally, he marched against Castro without him, forced him to break up his camp, abandon his artillery and baggage, and fly in the direction of Sonora. After the dispersion and flight of his army, Fremont arrived on the day that Stockton took possession of the capital. Thus ended the first campaign of Stockton. Fremont's whole service was comprised in his voyage to San Diego and his march to De Los Angelos. The second campaign of Commodore Stockton was still more inglorious for Mr. Fremont. An insurrection broke out on the 1st of October, and the garrison left by the Commodore at the capital had been compelled to capitulate. Stockton ordered Fremont to Santa Barbara, to collect horses and cattle for this expedition. San Diego was surrounded by the enemy, and Lieutenant Minor, in command there, was besieged by them. On his way in that direction Fremont spoke a vessel, and became acquainted with these facts, and, instead of obeying his orders, he turned back, giving as his reason that supplies of horses and cattle could not be obtained there, and returned 500 miles north of San Diego, placing the enemy between himself and his commander-in-chief, and cutting off all communication with him. This act of Fremont delayed the Commodore's advance for months. Stockton, however, finally procured horses and cattle where *Fremont* said they could not be obtained. Fremont abandoned the seat of war. He left that part of the country where hostilities prevailed, and never returned until after the enemy was defeated and dispersed. Commodore Stockton, after waiting two months for the necessary supplies of horses and cattle, which were at last obtained from Lower California, on the 29th of December, advanced north upon De Los Angelos against the foe, fought the battles of San Gabriel and Mesa, defeated and dispersed the army of California, and conquered the country a second time. He heard nothing of Fremont until four days after his (Stockton's) entry into the capital. Then Fremont made his appearance; and having on his journey fallen in with the beaten and flying California generals and a few stragglers, remnants of the defeated forces, he made a treaty of capitulation with them. Stockton had refused to treat with Generals Flores and Pico, because they had once already broken their parole of honor. Fremont, however, having not participated in the war, makes a great merit of this capitulation with these defeated officers with whom Stockton would not treat, and whom he considered as of no importance. All these facts will be seen from the official despatches of Commodore Stockton. They show that Fremont, in the first campaign, did nothing, while under Stockton, but go to San Diego, and ride up from that place in August to meet Stockton after he had compelled Castro to break up his camp and disperse his army. In the second campaign, Fremont failed to execute his orders, and retired five hun-

dred miles from the enemy, and never returned until after the fighting was over. There is nothing from his own pen, or that of others, nor is there any evidence of any sort that Fremont ever had a single encounter with an enemy while in California. He has been called the path-finder. But it was unfortunate for him that the paths he trod did not lead him into the presence of an enemy.

Mr. President, in the foregoing remarks, and the exposure I have made of the weakness and absurdity of the claim set up for Mr. Fremont to the conquest of California, I have been actuated by far higher motives than such as I know will be imputed to me. I regard it, sir, as a duty I owe to the truth of history, as well as to a distinguished friend and constituent, to see that the laurels which he has nobly won shall not be torn from *his* brow to decorate another's. For Commodore Stockton I claim the credit of the conquest of California. So far from Mr. Fremont being entitled to it, it does not appear that he was ever engaged in a single battle; and the extent of the responsibility he assumed in California seems to have been, 1st, to fortify a position of self-defence against a threatened attack of the Californians; and, 2d, to unite with the forces of General Ide, on the 25th of June, at Sonoma, and to undertake an expedition against General Castro, in which he was out-witted by the wily Mexicans. Immediately after this, he marched to Monterey and accepted an appointment as major from Commodore Stockton, under whose orders he served, as has been shown, until the conclusion of the war.

And now, sir, I have attempted to describe fairly and truly the achievements of Mr. Fremont in California; and I ask if any claim can be *found* in them to the title of its conqueror?

And now, Mr. President, it is hardly necessary, after this exposure of the pretensions set up for Mr. Fremont, to say *who was* the conqueror. That has been already indicated. But I will take the liberty to state, as briefly as possible, a few additional facts to establish still more incontestably the claims of Commodore Stockton to that great honor. Stockton assumed the command of the United States naval forces on the 23d day of July, 1846. The condition of the country at that time has already been shown. On the same day he issued a proclamation placing the country under martial law, and resolved upon the most prompt and vigorous prosecution of the war. He immediately organized a corps of 160 mounted men, composed chiefly of American settlers, appointed Mr. Fremont major of the battalion, and Lieutenant Gillespie, of the marine corps, captain; retaining the chief direction of affairs in his own hands. In twenty-four hours thereafter he despatched this corps, under Major Fremont, on the sloop-of-war Cyane, Captain Dupont, to San Diego, to procure horses and cattle, and to co-operate with him in the contemplated attack of the City of the Angels. On the 1st of August he sailed himself in the frigate Congress for Monterey, and proceeded to San Pedro, (about 30 miles from the City of the Angels,) and landed 350 seamen and marines, and commenced the work of drilling them for the new service in which they were engaged. On the 11th of August he commenced his march upon that city. On the 12th, when within a few miles of the enemy, they became panic-stricken and fled, leaving

behind their baggage and artillery. The principal officers and a portion of the troops surrendered themselves prisoners of war, the city capitulated, and on the 13th Commodore Stockton took possession of the capital of California. The country was now conquered—the inhabitants quietly submitted—and Stockton immediately proceeded to organize a civil government. He prescribed a tariff of imposts, and appointed appraisers, collectors, and other officers for the collection of the revenues, and did every other lawful act which a conqueror and governor could do.

Having settled all these matters, and seeing the new government in full and successful operation, he left the city and proceeded to San Francisco, for the purpose of organizing an expedition, to be commanded by himself, to land at Acapulco, on the western coast of Mexico, with a view of co-operating with Gen. Scott before the city of Mexico. But before he could accomplish the necessary arrangements for such a purpose, advantage was taken of his absence from the capital, and Generals Pico and Flores (who had been set at liberty after the capture of the city on their parole of honor) had raised a force of 400 or 500 men, and, appearing before the city, demanded its surrender. The garrison, consisting of 100 men, under Captain Gillespie, unable to resist a force so superior in numbers, was obliged to submit, and the city fell into the hands of the insurgent Californians. This insurrection the Commodore determined to quell, and promptly made all his arrangements for that purpose. Major Fremont was despatched with 160 men to Santa Barbara, at which place, after procuring horses, he was to hold himself in readiness to join the Commodore on his march against the rebels. The Commodore himself sailed on the Congress, ran into Monterey, which had been threatened, strengthened that place with 50 men, and proceeded to San Pedro. At this place he found the enemy in considerable numbers, and learned also that an engagement had taken place between them and the crew of the frigate Savannah, which had resulted to the disadvantage of the Americans, and had greatly encouraged the Californians. He immediately landed from his ship with 300 men, in the face of the enemy, and, after a skirmish, compelled them to retreat; but, as they were all mounted, he could not pursue them. The anchorage at this place being insecure at that season of the year, the Congress sailed for San Diego, where Lieutenant Minor was besieged, and reduced to great distress. The ship, in entering the harbor, grounded on a bar, and came near falling over; and, while the crew were engaged in shoring her up to prevent such an occurrence, the town was vigorously attacked by the enemy. Notwithstanding this mishap to the frigate, the Commodore himself, with as many men as could be spared, immediately landed, and, after a severe action, repulsed them, and relieved the garrison.

Preparations were then actively made for the march upon the capital. Horses and cattle were to be procured, and officers, with a detachment of men, were sent to Lower California to collect them. Whilst this portion of the little sailor army was thus employed, the men were kept constantly at work in manufacturing saddles for horses, shoes of canvass and leather for themselves, and gun-carriages for artillery, and in their regular drill. At this place he was kept wait-

ing for the arrival of Major Fremont with his mounted men until the 29th of December; when, having received his supplies from Lower California, and having heard nothing of Fremont, he determined to wait no longer, and marched without him upon the City of the Angels. On the morning of the 8th of January, being in presence of the enemy, he marshalled his little army and advanced against the opposing force. He found them advantageously posted on the other side of the river San Gabriel, on a bluff or range of low hills. Their artillery commanded the passage, and it was strongly supported with cavalry. The Commodore, passing through the ranks of his men, reminded them that it was the 8th of January, and that he expected them to add new lustre to the day. Their enthusiasm was unbounded. Notwithstanding the fire from the enemy, no shot was returned until after they had reached the opposite bank. There was great difficulty in accomplishing this, for the bed of the river was a quicksand, and Gen. Kearney, who was serving with Commodore Stockton at the time as a volunteer, declared it would be impossible to pass over the guns. On hearing this, the Commodore dismounted from his horse, plunged into the river, and taking hold himself of the ropes, said, "quicksand or no quicksand, the guns shall pass over." Cheered by his heroic conduct and example, the men renewed their exertions, and soon landed the guns on the opposite side. The battle now commenced on the side of the Americans, and the enemy, after standing their ground bravely for some time against a terrible fire of artillery, began to give way, and a charge up the bluff compelled them to retreat in confusion. The loss of the Americans was only two killed and nine wounded. The loss of the enemy, as afterwards ascertained, was over seventy killed and one hundred and fifty wounded.

On the morning of the 9th he pursued the retreating foe in the direction of the City of the Angels. About six miles from the city he again encountered them in a well-chosen position, and another severe battle was fought, in which the Californians were again beaten, and fled in different directions. As the American commander had no cavalry, it was impossible to pursue them. The Commodore continued his march, and on the 11th, at the head of his army, he marched into the city and took possession of it.

These battles decided the fate of California. The scattered remnants of the Californian army under Flores and Pico, a few days after, hearing of the approach of Col. Fremont, threw themselves in his way, and concluded a formal treaty, by which they agreed to cease all hostilities, and to acknowledge the authority of the United States. This ended the war in California; and in the language of the Secretary of War, "Commodore Stockton took possession of the whole country, as a conquest of the United States, and appointed Col. Fremont governor, under the law of nations, to assume the functions of that office, when he should return to the squadron."

And now, Mr. President, having, as I believe, fairly and truly stated the respective claims of Col. Fremont and Commodore Stockton to the honor of the conquest of California, I ask, Was not Commodore Stockton the conqueror?

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INV. 1898.

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SPEECH

OF

EX-GOVERNOR

JOHN B. WELLER,

DELIVERED BEFORE THE

DEMOCRATIC CLUB

AT

Petaluma, Cal.,

JUNE 6, 1863.

SAN FRANCISCO:
1863.

CORRESPONDENCE.

PETALUMA, June 11, 1863.

HON. JOHN B. WELLER:

Dear Sir—At a recent meeting of the Petaluma Democratic Club, a resolution was passed requesting of you the privilege of publishing your address delivered before us on the 6th inst. If you feel disposed to comply with our request, please forward the manuscript, or give us the privilege of making a copy of it, at such time as may be convenient to you.

With great respect, I remain yours, etc.,

THOS. L. CAROTHERS,
Secretary of Club.

FRUIT VALE, Cal., 14th June, 1863.

DEAR SIR:

Your note of the 11th inst., requesting a copy of a speech recently delivered by me at Petaluma for publication, has been received. In reply I have to say that I will furnish one at as early a day as possible.

Very truly your ob't serv't,

JOHN B. WELLER.

THOS. L. CAROTHERS, Esq., Sec'y Dem. Club.

SPEECH

OF

EX-GOVERNOR JOHN B. WELLER.

FELLOW CITIZENS :—During the past two years, as many of you know, I have been engaged in agricultural pursuits, and taken no part whatever in political affairs. In the calm quietude of my rural home I have watched the movements of that terrible storm which is now howling so fiercely around us. At its commencement I was the representative of the United States at a Foreign Court, where civil war then raged, and you may imagine how deeply I felt humiliated when reminded by a countryman that some of the Stars upon that proud emblem which floated over my residence had gone out, and that America, like unfortunate Mexico, was to be devastated by a fratricidal contest. As an old National Democrat, ready and willing at any time to sacrifice his life to maintain the Union of the States and the liberties of the people, I need hardly say that I have shed many bitter tears over the deplorable condition of my country. Called into the National Councils as soon as eligible under the Constitution, and having devoted a large portion of my life to public affairs, I could not but feel in this hour of darkness and gloom the deepest solicitude for the future welfare of the Republic. It would probably have been better, so far as popularity is concerned, for me (an Ohioan by birth and education,) to have fallen in with the current, and lauded the powers that be ; but entertaining the opinions which I sincerely do, I should have lost my self-respect, destroyed the reputation which I have labored for a quarter of a century to acquire, and gone down to my grave a despised and dishonored man. Friends, for whose opinions and feelings I have the highest regard, have attempted to dissuade me from speaking at this time, but I never allow personal considerations to control my political actions.

Why, I am asked, do you consent to leave the quiet circle in which you move, and place yourself in a position where you will draw down upon your head the denunciation and abuse of a great many of your countrymen? It is sufficient for me to say in reply, that the Democrats of California, who have, in years past, bestowed upon me the highest honors within their gift, have asked my opinion in regard to the present condition of the country, and they are entitled to it. Besides, it is due to my children that I should exert whatever little influence I may have to secure to them a Government which will protect their persons and property after I have ceased to exist.

Looking at the melancholy picture which is spread before me, I could not have died happily if I had not raised my voice in behalf of an outraged and oppressed people. I see the bloody hand of the tyrant strangling the Angel of Liberty, and surely it is my duty to go to her rescue, and do what little I can to release and place her upon that high position which she has hitherto occupied.

Men of Sonoma, will you allow a man who has endeavored to serve his country faithfully in war and in peace, to give free utterance to his thoughts here to-day? I desire to speak the truth, and do justice as becomes an American who scorns the idea of belonging to either the North or the South, and who owes allegiance to no party organization now in existence. In all the discussions which have taken place, in war as well as in peace, the greatest freedom of debate has been allowed. Indeed it is to free discussions alone that we are indebted for the preservation of our liberty during our National existence. Based as our Government is, upon public opinion, it is of the last importance that that public opinion should be enlightened, and this can only be accomplished by the toleration of the liberty of speech and the freedom of the press—

the sources from which the people derive information in regard to public affairs. To applaud all that the Executive has done or is doing without examination is, to my mind, the basest servility. This "is the screen by which power is concealed in its gradual progress to despotism—its most dangerous if not its *only* dangerous approach. And when nothing worse than imbecility wields the reins, it is by this it is upheld in its course from blunder to blunder until it converts National misfortune into National ruin."

Goldsmith, who was a pretty good judge of human nature, and a respectable statesman, said: "Opposition, when restrained within due bounds, is the salubrious gale that ventilates the opinions of the people, which might otherwise stagnate into the most abject submission. It may be said to purify the atmosphere of politics; to dispel the gross vapors raised by ministerial artifice and corruption, until the Constitution, like a mighty rock, stands fully disclosed to the view of every individual who dwells within the shade of its protection. Even when this gale blows with augmented violence, it generally tends to the advantage of the Commonwealth. * * Without these intervening storms of opposition to exercise his faculties, he would become enervate, negligent and presumptuous, and, in the wantonness of his power, trusting to some deceitful calm, perhaps hazard a step that would wreck the Constitution." These remarks are more applicable to our Government than to Great Britain. This opposition to the powers that be, when confined within proper limits, is indispensable to the preservation of the Constitution. The struggle between the "outs" and "ins," although sometimes conducted in a disgraceful manner, exercises, nevertheless, a salutary influence upon the Government; they keep the attention of the people constantly directed to their public agents, and thus compel them to move within the sphere prescribed by the fundamental law of the land. If the party in power transcends the Constitution or invades the rights of the citizen, the Opposition sounds the alarm, and the people, if the charge be true, apply the remedy which the law provides. "Eternal vigilance is the price of liberty." I would not trust any party in power, no matter what its creed might be, unless there was an Opposition to keep watch upon their movements. We want not only a sufficient guard around the camp where our Constitution is deposited, but we should have pickets out in every direction to sound the alarm at the first movement of the enemy. It is by slow and steady steps alone that the people can be enslaved. Mr. Madison, in a speech delivered in the Virginia Convention, advocating the adoption of the Federal Constitution, says:

"Since the general civilization of mankind, I believe there are more instances of the abridgement of the freedom of the people by gradual and silent approaches of those in power than by violent and sudden usurpation; but on a candid examination of history we shall find the turbulence, violence and abuse of power, by the majority trampling on the rights of the minority, have produced factions and convulsions which in republics have more frequently than any other cause produced despotism. If we go over the whole history of ancient and modern republics, we shall find their destruction to have generally resulted from these two causes."

Now these two causes, to which Mr. Madison attributes the downfall of ancient and modern republics—1st, "Abridgement of the freedom of the people by gradual and silent approaches;" 2d, "the turbulence, violence and abuse of power by the majority trampling upon the rights of the minority"—are both in full operation in our unfortunate country.

It is proper to remark, however, that the freedom of the people was not in this case abridged by gradual and slow approaches, but by violent and rapid movements. The blow was so sudden, so unexpected, that the public mind was completely stunned, and has not yet recovered from the shock. Civilians, having no connection whatever with either the army or navy, are seized by a military force without warrant of law, transported to distant States and incarcerated in prisons by the order of the President, or some of his military subordinates. When the unfortunate citizen, whose only crime was that he was suspected of being unfriendly to the powers that be, appealed to the Constitution and invoked the protection of that great writ of right, the *habeas corpus*, he was told, the President of the United States has *suspended* it! The unlucky editor who claimed that Congress *alone* possessed the power to suspend the writ, and that no man could be deprived of life, liberty, or property, without due process of law under the Constitution, he too was seized, his press destroyed, and his body transferred to a military prison.

The second cause assigned by Mr. Madison is in full force, "the abuse of power, and the majority trampling on the rights of the minority." Majorities in our country have oftentimes been intolerant and frequently trampled upon the rights of the minority; but this is the first time in the history of America that the minority is not allowed to exercise any rights whatever. Blind, implicit obedience to the mandates of the majority, no matter how unconstitutional they may be, is required of all. If we complain of these usurpations of power, if we refer to their outrages upon our liberties and the Constitution, we are denounced as traitors, and fortunate are we indeed if some provost guard, "dressed in a little brief authority" from some military officer, does not seize us and transport us to prison.

Men of Sonoma: You may strike, but will you hear me? At the commencement of this war there was but one sentiment in the North—"the Constitution must be maintained and the Union preserved." In consequence of the policy adopted by the Administration in its prosecution, divisions now exist which may be classified as follows:

First—Those who believe that the Union can still be restored by a vigorous prosecution of the war.

Second—Those who are in favor of the entire subjugation of the South, and the emancipation of the slaves. This class is not in favor of the Union *as it was*.

Third—Those who are in favor of the Union as it was, but believe that a continuance of the war will widen the breach and render re-union impossible, and are therefore in favor of a peaceable separation with a view to future re-construction.

You will, no doubt, be able to determine, before I conclude these remarks, to which of these classes I belong.

I think it must be evident to every unprejudiced mind, that there are two parties in this country, both of whom are in the wrong.

First—Those who affirm that there was no provocation whatever for this rebellion—in other words, that the South had no just complaint against the North.

Second—Those who affirm that the causes were sufficient to justify revolution. In national quarrels, as well as in those of a domestic or private character, both parties are generally more or less to blame. It is to my mind absurd to suppose that any people would resort to revolution unless they believed themselves oppressed.

The declaration which separated us in 1776 from Great Britain says, "All experience has shown that mankind is more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they have been accustomed." The same idea is advanced by one of England's most eminent statesmen in the following language: "No intelligent people ever rose or ever will rise against a sincere, rational, benevolent authority. No people were ever born blind. Infatuation is not a law of human nature. Where there is a revolt by a free people with the common consent of all classes of society, there must be a *criminal* against whom that revolt is aimed."

We must look, then, to the history of the country to find, if possible, the causes which produced the war which is now deluging our once peaceable and happy republic in blood. Is it not strange that here in the full meridian light of the nineteenth century, with all the vast progress which has been made in everything that elevates and ennobles human nature, that one of the most destructive civil wars that ever blotted the pages of history, should have broken out? A nation that had advanced with the strides of a giant to the highest point of greatness, challenging the wonder and admiration of the world, honored and respected by every civilized nation upon the face of the globe, in two short years torn to pieces by intestine factions and civil war, and reduced to wretchedness and misery! Loaded down with debt and taxation, and more than half a million of her people slaughtered upon the field of battle!

Oh, fanaticism! thou hast done the deed; thou hast stilled the warm and generous hearts of this vast multitude of our gallant and chivalric countrymen; thou hast robbed the aged mother of her only son—the widow of her last support—the wife of her kind husband, around whom all the affections of her heart were gathered—the sister of her noble brother who was ready at all times to sacrifice his life to protect her honor, and converted countless thousands and tens of thousands of once happy homes into houses of misery and mourning; thou hast filled the land with widows and orphans, and made the rivers to run with the blood of our own people. The wail of the broken-hearted comes from the mountains of the North, and is heard reverberating in the valleys of the South and West. Thou hast constructed a colossal pyramid, higher than that of ancient Egypt, out of the bones of our citizens, in which are deposited the blighted hopes and ruined prospects of millions of people! And still thou demandest more victims? Men of America! is it not time to pause and reflect?

That some prominent men in the South have long desired to cut loose from the Union and establish an independent Government, is undoubtedly true. Many of them believe with Mr. Lincoln in the "irrepressible" doctrine—that all the States must be either slave or free; and as they regarded the institution of slavery a great blessing, and absolutely indispensable to their existence as a free people, they desired to dissolve the connection which existed between the two sections. Indeed, during my twelve years' service in the House of Representatives and in the Senate of the United States, I have frequently conversed with eminent men from the South, who sincerely believed that the prosperity and happiness of both sections would be promoted by a separation. Their principal argument was based upon the hostility of the North to the existence of slavery, and what they called antagonistical interests upon the revenue laws. They believed that free trade and direct taxation would make their country the greatest upon the face of the globe; and to this the manufacturers of the North would never assent—that the conflict between the manufacturing and planting interest was irreconcilable. It is due to these gentlemen that I should say that their idea, as avowed, was that a peaceable dissolution could be effected. It is true I have heard the Hotspurs from South Carolina talk as wildly and flippantly about dissolving the Union, irrespective of consequences, as they would about a horse-race; but they are entitled to no more consideration than the Phillipses, Garrisons and Beechers of the North. But without the fanaticism of the Abolitionists to fan the flame and excite the passions of the people, Southern disunionists never could have placed these States in the position which they now occupy.

It seems to me, however, that no candid man can deny that the agitation of the slave question was the principal cause of the war. The President, in his last annual message, concedes this; but, in my judgment, he does not put the question fairly. He says—"The North was opposed to the *extension* of slavery, and the South in favor of it." Upon the application of Missouri for admission into the Union in 1819–20, the whole country was intensely excited, because the Constitution which the people of that Territory presented tolerated slavery. North and

South were arrayed against each other, and the most violent and bitter discussions ensued. In this controversy the question was not the extension of slavery, but the South maintained that the people of that Territory were the sole judges: and in the formation of a Constitution for their government, they had a right to determine the character of the institutions which should exist amongst them, and that Congress possessed no power to prohibit slavery. It is fortunate indeed that there were a sufficient number of conservative patriots then in Congress to settle the difficulty which then threatened a dissolution of the Union. Some of these men, however, from New England, were burnt in effigy upon returning to their constituents.

It is not true that the South ever adopted the policy of extending slavery. All that the great body of her people ever claimed was that their domestic institutions should not be interfered with, and that they should be allowed to remove to the Territories which belonged to the respective States, and be secured in the possession of their property. In other words, they claimed *equal rights, equal protection.* They have never asked for an outlet for slavery, because they have within their own limits millions of acres of rich land which are as yet uncultivated. Taking the natural increase of the slave population, and there is enough territory in the South to furnish full and profitable employment for more than a century to come. Nor is the declaration of the President true, that the Republicans only desired to prevent the *extension* of slavery. A large majority of that party have labored for years to *abolish* it altogether. One of their first acts, when they came into power, was to abolish slavery in the District of Columbia. Why, nearly a quarter of a century ago (1839,) John Quincy Adams, one of the most eminent of Northern statesmen in the House of Congress, proposed certain amendments to the Federal Constitution upon this subject. He proposed—First: "Hereditary slavery to cease after the 4th July, 1842. All children born after that day to be free." Second: "With the exception of Florida, no slave State to be hereafter admitted." Third: "Slavery and the slave trade to cease in the District of Columbia on 4th July, 1845."

These amendments were not pressed upon the States, because public sentiment had not yet become sufficiently Abolitionised to justify a hope that they would be adopted. The extinction of slavery could not be accomplished until its bitter and unrelenting enemies obtained the control of the Federal Government.

During the past forty years this question has been discussed in Congress, before popular assemblies, and in the Legislatures of the North, oftentimes with great warmth and bitterness. Societies during that period have existed whose vocation has been to wage unceasing warfare against this institution. In New England, and in some of the other free States, the Abolitionists took possession of the pulpits, the schools, the theatres, and the light literature of the day, and thus educated a generation who consider it a duty at all times and on all occasions to make war upon slavery and slaveholders. That generation, educated under these influences, is now upon the stage of action, and unfortunately hold possession of the various departments of the Government. And here let me say, that no class of people as a body have contributed so much toward producing the present unfortunate state of things as the clergy of New England. Instead of laboring to inculcate the doctrines of their Divine Master—peace and good will amongst brethren—their whole energies have been constantly directed to stir up sectional feelings, and call into action all the worst passions of the human heart. But a few years ago, when the Kansas question agitated the country, and threatened the existence of the Union, three thousand clergymen of New England, instead of pouring oil upon the troubled waters and endeavoring to allay the storm, plunged into the "dirty pool of politics," and pretending to speak in the name of the Great Jehovah, sought to control the action of Congress. Some of the churches were converted into arsenals, from which deadly rifles were distributed to their infatuated followers who were about to migrate to that country, with a view to exterminate slaveholders!

Instead of loving their enemies (if they so regarded them,) and praying for those who despitefully used and persecuted them, they were taught to believe that God and humanity demanded that they should carry on an unceasing warfare against their Southern brethren. Instead of teaching the law of kindness and affection, and hushing up the discords of life, they encouraged a bloodthirsty spirit, and fanned a flame which now threatens the entire destruction of the Government.

The names of these wolves in sheep's clothing will go down to posterity loaded with infamy—an infamy as deep and damning as that which rests upon the first murderer.

It was through the influences to which I have referred that a public sentiment was manufactured in some of the States which rendered it impossible to execute the Fugitive Slave Act of Congress. In many of them laws were passed in direct conflict with it. Instead of returning to the owner his property, as the law and good faith required, they either concealed or aided the slave in escaping to the British possessions in the North.

Indeed the time had come when it was unsafe for the owner of slaves to pursue his property into several of the free States. Let me refer you to the declarations of some of the prominent men of the North in regard to the "Fugitive Slave Law."

Senator Sumner, at the head of the Committee of Foreign Affairs in the Senate, in one of his addresses said:

The good citizen as he reads the requirements of this Act is filled with horror. Here the path of duty is clear. *I am bound to disobey this Act.* Sir, I will not dishonor the home of the Pilgrims and of the Revolution by admitting—nay, I cannot believe that this bill will be executed here.

Josiah Quincy, of the same State, a man of great influence in Massachusetts, said:

The obligation incumbent on free States to deliver up fugitive slaves is a burden, and *it must be obliterated from the Constitution at all hazards.*

A member of Congress from Ohio, Mr. Giddings, said, on the 9th December, 1850, in a speech delivered in that body:

I will say to the President, with all kindness, but with unhesitating confidence, *our people will never be compelled by the bayonet or the cannon, or in any other manner, to lend any aid or assistance in executing that infamous law, nor will they obey it.*

The feelings of the Northern Republicans generally are strongly but accurately presented in a speech delivered by a Mr. Wells, of New York, in Congress, on the 6th February, 1861. He said:

The Northern religious man believes the condition of the slave to be at war with the principles of Christianity and with the precepts of the Bible. * * The Northern religious man looks, and will continue to look, upon your institution as *Bible-denounced and Heaven-accursed; and no law, no punishment, no muzzling of the press, no new alien and sedition law can touch its settled convictions.*

That these are the opinions, the deep and well settled convictions of nine-tenths of the Republicans of New England, I have no doubt. I could spend the whole day in reading extracts from the speeches of leading Republicans, high in the confidence of the Administration, of a similar character to those I have already given.

It is true that the Democracy for many years held in check the Northern fanatics, but, one by one, they were slaughtered and driven from public life. But for the old Jackson Democrats of that section the Union would have been broken up long since. They stood as a body guard around the Constitution, determined to maintain it unimpaired, by securing to each section the rights guaranteed by it. They never warred upon the institutions of the South—never stirred up sectional strife, but, in the spirit of Nationality, recognized her people as their equals in all respects under the Constitution.

In 1860, the Southern disunionists mustered a strong force in the Charleston Convention, determined either to nominate a candidate for the Presidency who recognized the right of a State to withdraw at pleasure from the Union, or divide the Democratic party, and throw the political power of the Government into the hands of the Republicans. This party they could safely rely upon, as they supposed, to inaugurate a hostile policy towards that section, which would afford them sufficient grounds to secede. In this movement they succeeded in dividing the Democracy, and electing Mr. Lincoln to the Presidency. He was the choice, it is true, of a minority of the people, but he was elected in conformity with the law and Constitution of the Republic, and it was the duty of every American to acquiesce in his inauguration. It is not strange, however, that his election alarmed and exasperated the South. Mr. Lincoln had openly and boldly advocated the abolition doctrine of the "irrepressible conflict." He said:

I believe this Government cannot endure half slave and half free. I do not expect the house to fall, but I do expect it will cease to be divided. It will become all one thing or the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push forward till it shall become alike lawful in all the States—old as well as new, North as well as South.

If this means anything, it means that the war is to be waged against slavery until it is entirely extinguished.

There is, I believe, a controversy between the friends of Mr. Lincoln and Mr. Seward, as to which of these gentlemen first declared that there was "an irrepressible conflict between freedom and slavery—that all the States must be free or slave." Without attempting to settle this question, I proceed to show you what these "irrepressible" doctrines are. By looking to the declarations of the leaders of the Republican party in the last Presidential election, we will be enabled to see the policy which they intended to adopt when they came into power. I have read the statement of the President. Next in order is his Prime Minister, Mr. Seward. He said in one of his speeches at Cleveland, Ohio:

* * It (slavery) can and must be abolished, and you and I must do it. * * Correct your own error, that slavery has constitutional guarantees which may not be released and ought not to be relinquished. * * You will soon bring the parties of the country *into an effective aggression upon slavery.* Mark the words, "*You will soon bring the parties of the country into* AN EFFECTIVE AGGRESSION UPON SLAVERY!"

Mr. Burlingame, sent by Mr. Lincoln to represent our Government at the Court of Austria, said:

The times demand, and we must have an anti-slavery Constitution, an anti-slavery Bible, and an anti-slavery God!

James Watson Webb, sent out by Mr. Lincoln as Minister to Brazil, in his organ said:

If we fail at the ballot-box, what then! We will drive slavery back, *sword in hand*, and so help me God, believing that to be right, I am with them.

Senator Wade, Chairman of the Committee, in the Senate, "on the conducting of the War," said:

There is really no Union now between the North and the South, and I believe that no two nations upon the earth entertain feelings of more bitter rancor towards each other than these two nations of the republic.

nator Wilson, Chairman of the Military Committee of the U. S. Senate, said:

I tell you here to-night, that the agitation of this question of slavery will continue while the foot of a slave presses the soil of the American republic.

Horace Greely, the editor of the *Tribune*—a paper, high in the confidence of the Administration—said:

I have no doubt that the Free and Slave States ought to be separated. *The Union is not worth supporting with the South.*

Judge Spaulding, one of the Judges of the Supreme Court of Ohio, said:

In case of the alternative being presented—of the continuance of slavery, or a dissolution of the Union—*I am for* DISSOLUTION, *and I care not how quick it comes.*

Mr. Helper, who holds a position under the Administration, wrote a book during the Presidential campaign, called the "Impending Crisis," which, *after being endorsed over the signatures of sixty-eight Republican members of Congress*, was printed, and millions of copies scattered broad-cast over the North and West. Secretary Seward, in a letter to the publisher of the work, says:

It seems to me a work of *great* merit—rich, yet accurate in statistical information and logical analysis, and I do not doubt that it will exert a great influence on the public mind *in favor of the cause of truth and justice.*

Now I propose, fellow-citizens, to give you a few extracts from this valuable work, *so highly endorsed by the most distinguished men of the Republican party:*

First—That it is a solemn duty to abolish slavery in the South, or die in the attempt.—Page 176.

Second—That no man can be a true patriot without first becoming an Abolitionist.—Page 179.

Third—That against slave-holders as a body we (that is the Republican endorsers) wage an exterminating war. Pages 121—122.

Fourth—That slaveholders must emancipate negroes, or we will emancipate them for you.—Page 196.

Sixth—That slaveholders are nuisances, and that it is an important duty to abate nuisances. We propose, therefore, to abolish slavery, than which strychnine itself is less a nuisance.—Page 130.

Seventh—That slaveholders are more cruel than common murderers.—Page 149.

Eighth—That all slaveholders are under a perpetual license to murder.—Page 141.

Ninth—That if the negroes had a chance, they would be delighted to cut their masters' throats.—Page 158.

Tenth—That we are wedded to one purpose, from which no earthly power can divorce us. We are determined to abolish slavery at all hazards.—Page 140.

Eleventh—That there is scarcely a spark of honor or magnanimity amongst slaveholders.—Page 153.

Twelfth—That now is the appropriate time to strike for freedom in the South.—Page 158.

The following programme of organization is recommended:

First—Thorough organization and independent political action on the part of non-slaveholding whites of the South.

Second—Ineligibility of slaveholders—never another vote to the trafficer in human flesh.

Third—No cooperation with slaveholders in *politics*, no fellowship with them in *religion*, no affiliation with them in society.

Fourth—No patronage to slaveholding merchants, no bequests to slavewaiting hotels, no fees to slaveholding lawyers, no employment to slaveholding physicians, no audience to slaveholding parsons.

Fifth—No recognition of pro-slavery men, except as ruffians, outlaws and criminals.

Sixth—Thus, terror-engenders of the South, have we fully and frankly defined our position. We have no modifications to propose, no compromises to offer, nothing to retract. Frown, hiss, fret, foam, prepare your weapons, threat, strike, shoot, stab, *bring on civil war, dissolve* the Union—nay, annihilate the solar system, if you will—do all this more, less better, worse anything—do what you will, sirs, you can neither foil nor intimidate us. Our purpose is as firmly fixed as the eternal pillars of Heaven. We have determined to ABOLISH SLAVERY, AND, SO HELP US GOD, ABOLISH IT WE WILL. Take this to bed with you to-night, sirs, and think about it—dream over it, and let us know how you feel in the morning.

Now, these were the public declarations of the leaders of the successful party at that election. Is it strange that the Southern people were exasperated to madness? You sowed the seeds of dissolution broadcast, and now you affect to be surprised that it has produced anything! The South assumed that Mr. Lincoln and his supporters were sincere in the expression of these sentiments, and that the President intended to administer the Government in accordance with them. But, Sir, there is nothing in all this to justify rebellion or revolution. If, as they said (and as I believe) the experience of three quarters of a century had demonstrated that additional guarantees were necessary to protect their rights and prevent a collision of the States, they should have appealed to their Northern brethren for a Convention to amend the Constitution in the way provided in that instrument. They were bound, as Americans, to exhaust their peaceful remedy before they resorted to force. Thousands of Northern men, like myself, were willing to give them guarantees in the Constitution, to protect them in their property and secure to them a perfect equality with the other States in the Territories and elsewhere. The old-line Democrats, who believe in the equality of the States and the duty of the Federal Government to protect every species of property under the Constitution, would have stood by them in the demand. We have always believed that it was impossible to maintain the Union except by securing to each section the undisturbed enjoyment of its constitutional rights. But those of us who had held back the horde of Northern fanatics, were suddenly abandoned, the property of the Federal Government seized, and our good old flag—dear to every northern Democrat, and to us as sacred as the honor of our wives and daughters—rudely assaulted and trampled upon. Did they suppose that our hostility to the Abolitionists, who for years had been plotting the destruction of the Government, was so strong that we would not feel the insult offered to our national emblem?

No, Sir! No, Sir! Much as we hate these fanatics, we love the honor of our country more. If we had tamely submitted to this gross insult, we would have been unworthy of the name of Americans—unworthy of a place amongst the civilized nations of the earth.

I will not stop to inquire how far the conduct of the President in attempting to re-inforce Fort Sumter, and the vague and indefinite language of his inaugural address, provoked the assault to which I have referred. But this I will say, that I believe it was in the power of the Administration to have avoided—honorably avoided—a collision with these States. I grant you, a bitterness of feeling had been engendered in the South towards New England particularly, in consequence of the incessant warfare waged against their institutions, which rendered it quite difficult to live peaceably together. The man of New England looked upon the slaveholder as a brute who violated every day the laws of God and humanity, whilst the Southern man regarded *him* as a thief who would steal his property whenever an opportunity was presented. It would be somewhat difficult for two men entertaining these opinions of each other to live very happily together under the same roof.

But previous quarrels between the two sections had been amicably adjusted, and I doubt not, if that spirit of conciliation and compromise which framed our Federal Constitution, had pervaded the Republican party after the election of Mr. Lincoln, and assurances given that the institutions of the South would not be interfered with, this, too, could have been settled without a resort to arms. At all events, the revolution could have been confined within narrow limits.

Let us look to the record for proof of this assertion. The people of Virginia, after South Carolina and the other Cotton States had seceded, by an overwhelming majority refused to follow them. The votes in the Convention there assembled to decide upon her position showed a majority of seventy against Secession. North Carolina had refused by a decisive vote to withdraw from the Union. Tennessee by a majority of some thirty thousand had also refused, and the question in Arkansas had been postponed for discussion. These four States were all in the Union at the time the President of the United States issued his Proclamation, calling for 75,000 volunteers (not to protect the Capital, as is often said) but "to suppress the combination and to cause the laws to be duly executed." Seeing, then, that the policy of the Administration was to make war upon the States, and by the military power bring them back into the Union, the four States, which I have named, at once seceded.

I do not believe that a majority of the people in any of the States at the outset, except South Carolina, were in favor of seceding from the Union. That State has not been loyal to the Federal Government since 1832. In that year a convention was held in Charleston, and her people solemnly declared that the revenue laws of the United States, and particularly the tariff acts of 1828 and of July, 1832, should not be executed within her limits. If the General Government resorted to force, Carolina would secede from the Union. This was the first *formal* declaration by a State of the right of Secession. It is true, however, that New England, through her public men, as early as 1790, threatened to *secede* from the Union unless the Federal Government assumed the debts contracted by the States in the prosecution of the Revolutionary war. In the "Memoirs and Correspondence" of Mr. Jefferson, vol. 4, pages 448 and 449, I find this language:

> So high were the feuds excited by this subject, that on its rejection business was suspended. Congress met and adjourned from day to day without doing anything, parties being too much out of temper to do business together. The *Eastern members particularly*, who with Smith from South Carolina were the principal gamblers in these scenes, *threatened Secession and dissolution.* * * I thought it impossible that reasonable men, consulting together coolly, could fail by *some mutual sacrifices of opinion to form a compromise* which was to save this Union.

A compromise was effected, the State debt assumed, and, as Mr. Jefferson on the same page says, "*a concomitant measure, to sweeten it a little to the South, was adopted.*" That "concomitant measure" was the location of the Federal Government on the banks of the Potomac!

I allude to this as a historical fact, that our fathers had difficulties to encounter at the outset of the Government, which had to be adjusted by *concession* and *compromise.*

The heresy of Secession was fully and ably exposed in the proclamation of that illustrious statesman who then—fortunately for the Republic—occupied the Presidential chair. A compromise was effected, chiefly through the instrumentality of that distinguished Kentuckian whose name is familiar to you all. South Carolina acquiesed, but she was not satisfied. Her people, however, knew well that if an effort was made to carry out the doctrine of nullification that man of iron will and heroic courage had said:

> The dictates of a high duty oblige me solemnly to announce that you cannot succeed. The laws of the United States must be executed. * * Disunion by armed force is treason.

It is quite certain that if they had not yielded he would have brought down at once upon the heads of her people the whole military and naval power of the Republic. He would have occupied every town and hamlet within her limits, and scattered her rebellious troops like chaff before the wind.

Let us look for one moment at Massachusetts, to protect whose manufactories South Carolina, in this contest, alleged that she was heavily taxed. She led off in the organization of societies to war upon slavery. Many of her prominent men have again and again, during the past quarter of a century, declared that they would continue to agitate this question until slavery was abolished. Affiliated societies sprung up in most of the Northern States, who contributed their

influence towards arraying section against section, and producing that bitter feeling of hostility out of which this war emanated.

They increased in strength from year to year, notwithstanding the Father of the Republic had solemnly warned them, in his Farewell Address, against the dangers of geographical parties and sectional organizations—and thus succeeded in sowing the seeds of dissolution. In 1842, Mr. John Quincy Adams presented a petition from Haverhill, Massachussetts, requesting Congress "*to take the necessary steps to dissolve the Union.*"

It is true that so strong was the popular feeling generally in New England against the war of 1812, that a Convention was held at Hartford, in Connecticut, and serious thoughts were entertained of withdrawing from the Union, and making her own peace with the enemy; yet this is the first *formal* proposition to break up the Government. Mr. Adams desired to have the petition referred to a Select Committee, and in the course of debate upon this motion, he said:

> I want to respond to them, and tell them that *it is not time* for these people, who are emphatically oppressed, to seek for a redress of grievances in this way.

No, Sir; the time had not yet come to break up the Union! I well remember (for I was then one of the youngest members of the House,) the violent discussion which ensued, and the terrible anathemas heaped by *Southern* members upon the heads of these Northern men who sought to dissolve the Union.

The generation of heroes and patriots who once adorned the old Bay State have passed away. Her Hancocks and Adams have been succeeded by such men as Sumner, Wilson and Andrew—men who have labored in season and out of season, with an industry that never flags, to break up the Union as the only means by which slavery could be extinguished.

Who doubts that a large majority of the people of New England prefer a dissolution of the Union to a continuance of slavery? And here—lest I be misunderstood—let me say that in all these States there is a large and respectable body of men who have nobly battled for the equality of the States and the Constitutional rights of every section of the Confederacy.

In 1854 I canvassed portions of New Hampshire and Connecticut, in company with Mr. Orr, of South Carolina, and Mr. Cobb, of Georgia, both of whom now occupy high positions in the new Government. The question of slavery and the Constitutional rights of the States was fully discussed by us, and we met with a kind and most hospitable reception everywhere. Devoted to the Union and the Constitution, they were fighting manfully for the principles which we promulgated. The recent election in these two States prove conclusively, that although in a minority, (owing to the Federal Government having sent a large military force into the States, ostensibly to "recruit," but to control the ballot-box,) they are still holding on to the good old Democratic ship.

I come now back to the question: Could this war have been honorably avoided? The records of Congress will show that when the venerable and patriotic Crittenden, who fully appreciated the impending danger, came forward in Congress with propositions to adjust the difficulty, and save the country from the horrors of civil war, the Republicans gave them a cold reception, and finally rejected them. It was on that occasion this old patriot gave utterance to the following language:

> *I declare to you that it is my solemn conviction that unless something is done, and something equivalent to this proposition, we shall be a SEPARATE AND DIVIDED PEOPLE IN SIX MONTHS FROM THIS TIME, That is my firm conviction. It is my sad and melancholy conviction that that will be the consequence.*

On the 3d January, 1861, Judge Douglas made his last (revised) speech in the Senate on the great question of restoring the Union. It was just such a speech as you would expect from one whose whole heart was devoted to the Union. Speaking of the Crittenden resolution, he said:

> I believe this to be a fair basis of amicable adjustment. If you of the Republican side are not willing to accept this (his own proposition,) or that of the Senator from Kentucky, (Mr. Crittenden,) pray tell us what you are willing to do? I address the inquiry to the Republicans alone, for in the Committee of Thirteen, (Judge Douglas being a member,) a few days ago, EVERY MEMBER FROM THE SOUTH, INCLUDING THOSE FROM THE COTTON STATES, MESSRS. TOOMBS AND DAVIS, EXPRESSED THEIR READINESS TO ACCEPT THE PROPOSITION OF MY VENERABLE FRIEND FROM KENTUCKY AS A FINAL SETTLEMENT OF THE CONTROVERSY, *if tendered and sustained by the Republican members.*
>
> I regret the determination to which I apprehend the Republican Senators have come—*to make no adjustment, entertain no proposition, and listen to no compromise of the matter in controversy.* * * Can we make *no concession, no sacrifice* for the sake of our children, that they may have a country and a Government to protect them when party platforms and political honors shall avail us nothing in the day of final reckoning.

And here you must allow me to make a slight digression.

It has always seemed strange to me that a large number of those in this State who supported Judge Douglas for the Presidency, in 1860, should be found in political alliance with the Republicans—a party against whom he had battled most manfully all his life. He entered Congress two years after I had become a member of that body, and the records will show that at that early day both of us were satisfied that the Abolitionists were determined to break up the Union as the only means by which slavery could be abolished. As I was its enemy then, when it had no power except to sow the seeds of dissension, so I am its enemy now when it holds the control of the Government, and has inaugurated its policy upon the ruins of republican institutions. All the energies of my early manhood were directed to resist its progress, and I shall go down to the grave

with the firm conviction that this party, under the name of philanthropy, has entailed misery and wretchedness upon four millions of the African race, and destroyed the best and freest Government that ever existed.

The Congressional records show, that after the election of Mr. Lincoln, no one labored with more ability and zeal to avert the impending storm than Judge Douglas. He was a member, as I have already said, of the Committee of Thirteen, appointed to draw up some plan of pacification to save the Union, and although he had a proposition of his own, he gave a hearty and cheerful support to the one submitted by Mr. Crittenden. I have recently turned to the debates immediately preceding this war, and I propose to make liberal quotations from his speeches, in order that his friends, who may not have had an opportunity, may see precisely where here he stood. On the 15th March, 1861, in the Senate, he said:

> In my opinion we must choose, and that promptly, between one of three lines of policy:
> *First*—THE RESTORATION AND PRESERVATION OF THE UNION, by such amendments to the Constitution as will ensure the domestic tranquility and equality to the States, and thus restore peace, unity and fraternity to the whole country.
> *Second*—A PEACEABLE DISSOLUTION OF THE UNION, by recognizing the independence of such States as refuse to remain in the Union without such Constitutional amendments, and the establishment of a liberal system of commercial and social intercourse with them by treaties of commerce and amity.
> *Third*—WAR, with a view to the subjugation and military occupation of the States which have seceded, or may secede, from the Union.

In speaking upon these propositions, he says: "The *first* is the best and the *last* is the worst." He then goes on to remark:

> If we can make such amendments to the Constitution as will satisfy the Border States which are now in the Union, we will create a Union party in the seceded States that will bring them back by the voluntary action of their own people. *You can restore and preserve the Union in that way.* YOU CAN DO IT IN NO OTHER. *War* is disunion. *War is a final, eternal separation.* Hence I do not mean, if I can prevent it, that the enemies of the Union—men plotting to destroy it—shall drag this country into war. Under the PRETEXT *of protecting public property, and enforcing the laws and collecting revenue, when their object is disunion, and war the means of accomplishing a cherished purpose.* The disunionists are, therefore, divided into two classes—the one, open; the other, secret disunionists. The one is in favor of peaceable secession and a recognition of independence; the other is in favor of war as the surest means of accomplishlishing the object, and of making the *separation final and eternal.* I am a Union man, and hence against war; but if the Union must be temporarily broken by revolution, and the establishment of a *de facto* government by some of the States, let no act be done that will prevent restoration and future preservation. *Peace is the only policy that can lead to that result.*

Now, fellow citizens, does any one doubt that if the policy advocated by Judge Douglas had been adopted the integrity of the Union could have been preserved? Again he says:

> The people of the South believe they are in danger. They believe that you meditate an invasion of their Constitutional rights.? They believe that you intend to stir up servile insurrections, and stimulate the slaves to cut the throats of their masters, and their wives and children. Believing this, they will act upon this belief, unless you will remove all cause of apprehension. *Unless you do, disunion is inevitable;* whether peaceably or by civil war, God only can tell. * * *Whenever a Government has refused to listen to the complaints of the people, and have attempted to silence their murmurs by the bayonet, they have paid the penalty.*

To this speech, every word of which breathes the true spirit of patriotism, the leader of the Republican party (Mr. Wilson, of Massachussetts,) responded, in what Judge Douglas properly designated "a petulant, irritable, irritating personal attack." Amongst other things, Mr. Wilson said:

> He (Douglas) stands here quite alone, and he is hardly more powerful before the nation. I say to that Senator, and I want him and his friends to understand it, that the Administration which has just come into power will take its time to deliberate, to act, and declare its policy, and that it does not select him as its exponent."

They did take time to declare their policy, and waited until the fires of civil war were blazing all over the country! Judge Douglas was rebuked, because fully appreciating the danger, he attempted to get a *word* from the Republican leaders which would avert the impending storm. He said:

> Why not let the people know what the policy is? The country is now overwhelmed with doubt and anxiety; business is suspended; public confidence is destroyed; commerce is disturbed; bankruptcy is staring your best merchants in the face. *One word from the White House will save them from ruin—one word will gladden the heart of every patriot in the land. Let that word be spoken, and let that word be PEACE, and there will be such a shout of joy resounding through the land as has not been witnessed since the acknowledgment of independence. Why not allow it to be done?*

No, fellow citizens, the "word" was not spoken, and cast your eyes over this once fair land and see the consequence!

Judge Douglas saw that these men intended to bring on civil war as a means to effect their "cherished object," the emancipation of the slaves, and he said: "I expect to give these gentlemen some trouble during this Congress. I know their scheme. I do not mean that they shall plunge this country into war." In this, unfortunately for us all, Judge Douglas failed.

Two days before the close of that session (25th March, 1861,) which terminated the illustrious career of this statesman, when taunted by a Republican Senator with his defeat at the Presidential election, he said: "You can boast that you have defeated me, *but you have defeated your country with me.* You can boast that you have triumphed over me, *but you have triumphed over the unity of the States.* Your triumph has brought disunion, and God only knows what consequences may grow out of it."

The speeches from which I quote will be found in 2d vol. Con. Globe, 2d Session 36th Congress, pages 1460, 1461 and 1503.

Yes, says he, "One word from the White House will save the country from ruin. Let that word be *peace.*"

Now, fellow citizens, if the President had assurred the South, that notwithstanding all the declarations made anterior to his election, he did not intend to make war upon their institutions by the inauguration of the "irrepressible policy," and that they should have equal rights, equal protection, the Union could have been restored. But Congress adjourned, and the President declared his intention, as Judge Douglas seems to have anticipated, "to protect public property, enforce the laws, collect revenue, and reinforce Fort Sumter.

> "I do the wrong, and first begin the brawl;
> The secret mischief that I set abroad
> I lay unto the grievous charge of others."

Fellow-citizens: I think I have shown you that this war could have been avoided. But no. The Republicans, who had been struggling for forty years to obtain the possession of the Government and inaugurate their Abolition policy, declared that the time for *compromises* had passed by. The doctrines of the "Chicago Platform" must be reduced to practice, no matter what the consequences might be to the country. In the language of one of their Senators, (Chandler) "a little blood letting was necessary, in order to make the Union desirable."

"No," says a leading Republican in Congress from Ohio, "I will not compromise, because slavery is a sin, an outrage against humanity, and an insult to God. Disguise it as you will, it is still the crowning iniquity and most ghastly atrocity. By no vote of mine shall it ever be strengthened or countenanced. You may dissolve the Union if you can." Appendix Con. Globe, 2d Session, page 133.

Another member of Congress, from Indiana, says: "I see nothing to compromise, nothing to concede, and therefore I will give none whatever. * * Mr. Speaker, I will compromise no longer with slavery." In these sentiments a large majority of the Republicans in both branches of Congress concurred. These were the declarations of the party about to come into power, when Northern Democrats under the lead of Crittenden and Douglas were attempting to allay the storm and preserve the integrity of the Union. "No compromise—dissolve the Union if you can."

After a careful review of the whole ground, I believe, most sincerely believe, that if the President and his advisers had manifested that fraternal spirit of conciliation and compromise which our fathers exhibited in 1787, the peace of the country could have been maintained. Posterity, I doubt not, will hold them responsible for this terrible conflict amongst brethren.

I must now refer to the avowed object for which this war was to be prosecuted. At the outset, in order that the question might be clearly understood, the following resolution, offered by Mr. Crittenden in the House of Representatives, was adopted with but two dissenting votes.

> That in this national emergency, Congress banishing all feelings of passion or resentment, will recollect only its duty to the whole country. That this war is not waged, on their part, in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution, and to preserve the Union with all the dignity, equality and rights of the several States unimpaired, and that as soon as these objects are accomplished, the war ought to cease.

A resolution of a similar character passed the Senate by a vote of 30 to 5. Four of the negative votes were given by Senators who were opposed to the war. In addition to this we had the declaration of the Secretary of State in his instructions to our Minister in England. He said (under date of April 22d, 1861): "The rights of the States, AND THE CONDITION OF EVERY HUMAN BEING *in them, will remain subject to exactly the same laws and forms of administration, whether the revolution shall succeed or whether it shall fail! Their constitutions and laws, customs, habits and institutions in either case will remain the same.*"

The Secretary of War was equally explicit. He said: "This is a war *for the Union, for the preservation of all the constitutional rights of the States, and the citizens of all the States of the Union.*"

Another member of Mr. Lincoln's Cabinet, the Secretary of the Interior, in a public address, delivered in August, 1861, used this language: "*This is not a war upon the institution of Slavery, but a war for the restoration of the Union and the protection of all citizens in the South as well as in the North* in their constitutional rights. There could not be found in South Carolina a man more anxious, religiously and scrupulously, to *observe all the features of the Constitution relating to slavery*, than Abraham Lincoln." The leading Republicans in both branches of Congress took care to express similar sentiments.

These are the assurances which Judge Douglas labored so hard to obtain from the Administration in 1861, when the compromise measures were pending in Congress. "One word," says he, "from the White House will restore peace to the country." When war broke out, and it became necessary to secure the aid of Democrats in carrying it on, then, and not till then, the declaration is made that the institutions of the South are not to be interfered with; that our only object is to maintain the Constitution and restore the Union as it was!

These declarations, repeated in every possible form, relieved the Northern Democracy from the apprehension that the President and his party intended to take advantage of the war to carry out their "irrepressible doctrines" and strike at the institutions of the South; and thousands and

hundreds of thousands of the gallant Democrats of the North and West, who had all their lives warred against the Abolitionists and their creed, rushed to the field of strife. Their object was to vindicate the honor of our flag which had been rudely assaulted, and to maintain the Constitution and preserve the Union. They did not take up arms to fight against slavery or to reduce to practice the principles of the Abolitionists, but in the language of the deliberate resolve of Congress, "NOT FOR THE PURPOSE OF CONQUEST OR SUBJUGATION, OR FOR THE PURPOSE OF OVERTHROWING OR INTERFERING WITH THE RIGHTS OR ESTABLISHED INSTITUTIONS OF THOSE STATES, BUT TO DEFEND AND MAINTAIN THE SUPREMACY OF THE CONSTITUTION AND TO PRESERVE THE UNION WITH ALL THE DIGNITY, EQUALITY AND RIGHTS OF THE SEVERAL STATES UNIMPAIRED."

How changed the scene! The army is raised, the Democrats are enlisted, and now in the opinion of the President the time has arrived when his irrepressible principles should be inaugurated! On the 1st of January last he issues his famous proclamation for the emancipation of the slaves! By this master stroke of policy he not only silences his ancient enemy, the Democracy, but absolutely *compels them to fight for his principles!* Tens of thousands of that good old party have already been slaughtered in battling to carry out doctrines which they alwadys detested! And the work is still going on! The enlisted Democrat is still held to service, and the resignation of the officer *rejected!* If a private citizen complains, the pack howls "treason! treason!" Suppose that the Administration had announced at the beginning that the war was to be prosecuted until slavery was entirely abolished and the whole South subjugated, how many of the gallant young Democrats of my native State would have gone into the contest? How many of the sound national Democrats of the great West would have rallied under your flag? And this leads me to refer to the repeated usurpations of power and violations of the Constitution by the Republican party. I am not disposed to be captious, nor do I deny that when the country is engaged in a civil war, threatening the very existence of the Government, it is difficult to confine in all cases the Executive, who is commander-in-chief of the Army and Navy, within the limited sphere prescribed for him in the Constitution. To justify, however, a violation of that instrument, a clear case of *overwhelming necessity* must be apparent. I do not know that I can express my idea in better terms than those which will be found in a speech made by me in Congress, nearly twenty years ago, upon a bill to refund a fine assessed by Judge Hall upon Gen. Jackson at New Orleans in 1815: "Who ever pretended that the Constitution invested Gen. Jackson with power to declare martial law! The friends of this bill place his justification upon the law of *necessity*—a necessity which exists above and beyond the Constitution. That necessity, I grant you, must be *clearly and conclusively established.* Gen. Jackson staked his destiny upon the issue—if necessary, he was right and would be sustained by the people—if not, his reputation was gone forever!"

This usurpation of power (the declaration of martial law) was denounced with great violence by the anti-Democratic party, but the necessity was so manifest that the great body of the people sustained him. But the power assumed by the President in declaring martial law in many of the loyal States, where our civil tribunals are entirely uninterrupted in the administration of the laws, is such a power as not only no President of the United States ever before attempted, but no monarch of Great Britain could or would at this day dare assume. The revolution of 1688 put an end to the abuses which had existed under the reign of the Stuarts, and the Bill of Rights made express provision against any Briton not attached to the military forces being subjected to any kind of punishment by military law. Neither the Queen, nor Parliament itself (which is said to be omnipotent), can under the Constitution of the country at this day do what the President of the United States has done, over and over again, in these free States—supersede the civil power and set up the military authority and martial law in its stead. Why, in 1689, when a party was organized to make war upon William III, and he ordered the summary arrest and imprisonment of the Earl of Arran, Sir Robert Hamilton, and some other gentlemen of the Scottish nation, the historian tells us that "he immediately informed the two houses of Parliament of the steps he had taken, and even craved their advice in such a delicate affair which had compelled him to trespass upon the laws of England." Whilst I am upon this branch of the subject, I may as well allude to the fact that so jealous were the framers of our State Constitutions of the military power, that in nearly all of them the distinct declaration was made, "*that the military shall in all cases and at all times be in strict accordance to the civil power.*" Unless this principle is rigidly adhered to, the Federal Government will very soon swallow up the rights of the States and become a despotism, with our lives and property at the mercy of some military tyrant.

One of the causes alleged in our Declaration of Independence for separation from the mother country is, that the King of Great Britain had "*affected to render the military independent of and superior to the civil power.*" Are not cases occurring almost every day in the loyal States, where Courts are organized by the Federal Government, and Judges holding commissions from the President, are sitting without any interruption whatever, that Provost Marshals seize private citizens, drag them from their dwellings, and subject them to trial before military tribunals? Even if such a procedure were not a direct and palpable violation of the Constitution, why should it be done? Does the public good demand it, or rather is it not done to punish and humiliate your political adversaries? Mr. Seward, the Secretary of State, in an official letter to Lord Lyons, says: "My Lord, I can touch a bell on my right hand and order the arrest of a citizen in Ohio. I can touch the bell again and order the imprisonment of a citizen in New York, and no power on earth but that of the President can release them. Can the Queen of England, in her

dominions, do as much?" I confess, fellow citizens, when I read this I felt ashamed that I was an American. And this is written from that Department of the Government first occupied by the illustrious author of the Declaration of Independence, and in full view of the monument which is being erected to the memory of the Father of our Country! Shades of Washington and Jefferson, do you see how we are tampering and trifling with the liberties you supposed you had secured to your descendants? Do you see, Americans, your countrymen with a military halter around their necks, led to prison because they have dared to speak their sentiments? Do you see a Secretary of State, the mere Clerk of the President, *boasting* that *he* has more power over the liberties of *American citizens* than the Queen of England has over her subjects? Oh, your labors were in vain! You threw off the yoke of Colonial bondage, and declared us a free and independent people, but we have voluntarily assumed a yoke far more oppressive; we have quietly submitted to a military despotism far more cruel, far more exacting. The Constitution which you framed to secure our liberties has been slaughtered, and we have no rights except those which our military commanders choose to award us. You gave us a free press and liberty of speech, but a lawless mob have suppressed the press, and we dare not give utterance to our thoughts. It is true you said in the Constitution which you formed for our government, *that no person shall be deprived of life, liberty or property without due process of law*, and yet our lives, liberties and property are at the mercy of military commanders! The "ringing of a bell" by the Secretary of State, 3,000 miles from here, is the only "due process of law" necessary to send a citizen of California to prison. The Constitution, "the supreme law of the land," says, that "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State or district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence." But what care our rulers for the Constitution? It is true the President has solemnly sworn "to *preserve, protect* and *defend* it," but "military necessity" compels him to trample it under foot! Thank God, the men of the revolution, who freely poured out their blood in a seven years war to secure our liberties, have all passed away. How deeply humiliated they would be to see their descendants stripped of all those blessings for which they spent so many watchful days and sleepless nights, and reduced in two years to the most abject slavery. "Farewell, a long farewell to all our greatness," unless the people rally at once around the Constitution and the laws and shake off the degrading chains which are being fastened on their necks. Men of America! if you do not arouse from your slumbers and assert your rights, you are unworthy of the proud name your ancestors gave you. Whilst the brave Pole is striking for liberty against fearful odds, cheerfully encountering every danger and hardship for one hour of freedom, we are quietly sitting by our firesides whilst the chains of despotism are being rivetted upon us! Men of America! if you do not awaken to the impending danger, and make an effort to regain your liberties, your children, when wearing the clanking, galling chains of oppression, will curse your memories.

It was scarcely necessary that Mr. Seward should boastfully ask Lord Lyons: "Can the Queen of England in her dominions do as much?" If Lord Lyons answers the interrogatory he will undoubtedly tell him: "No, sir—No, sir. Her Majesty dare not trifle with the liberties of her subjects. Such acts of tyranny as you speak of would arouse the whole kingdom, and the Crown which she wears would be stripped from her head. Britons, who have fought so often for liberty, cannot be reduced to slavery."

I have alluded to the declaration of martial law in many of the loyal States. Well, what is martial law? The Duke of Wellington, in the British Parliament, defined it thus: "Martial law was nothing more or less than the will of the General who commands the Army. In fact, martial law meant no law at all." The *will* of the President, who is the Commander-in-Chief, or his subordinates for the time being, is the law by which the rights of American citizens are to be determined. What difference is there, then, between this and the most absolute despotism in the old world?

The Constitution declares "that Congress shall have no power to abridge the liberty of speech or the freedom of the press." As Congress alone possesses the power to *legislate*, it can hardly be claimed that the President can do it. Perhaps the ingenuity of their learned men, who found that as the States alone were prohibited from issuing paper money, or making anything but gold and silver a legal tender, therefore, *Congress* had the power to manufacture such a currency and make it a legal tender. The argument would amount to about this: Congress cannot abridge the liberty of speech or the freedom of the press, but as the Executive is not *prohibited* from doing it, *he* can. The same provision to which I have referred is found in all our State Constitutions. Still, notwithstanding all safe guards thrown by Constitutions, Federal and State, around these rights "inestimable to freemen and formidable to tyrants only," newspapers have been destroyed or suppressed, and hundreds of our fellow citizens taken from their homes by a military force, without authority of law, and incarcerated in loathsome dungeons for months, because they had dared to question the policy of the party now in power. Others, again, have been sent by the same power to the republican bastiles; and after being confined in these dirty holes for months, turned out without being allowed to know the charges upon which they had been deprived of their liberty. These acts are not only violative of the Constitution, but they are in direct conflict with that sacred instrument which loyal Republicans hold in much higher repute—I mean the "*Chicago*

Platform." That document says: "As our republican fathers ordained that no person should be deprived of life, liberty or property without due process of law, it becomes by legislation, wherever legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it."

How often has this article in the Republican Constitution been violated? History will perhaps answer the question. For example let us take the case of Ingersoll, of Pennsylvania. I allude to this case because here there was an affidavit filed, and we can see the precise crime with which he was charged. It consisted in saying that "the despotism of the old world can furnish no parallel to the corruptions of Abraham Lincoln." And still we live under a Constitution and call ourselves *freemen!* When the press is muzzled, and liberty of speech denied to the people, it is folly to talk to us of the "glorious Union." Whilst you are preaching homilies upon this theme, you are robbing us of our liberties, and, like the Madagascar bat, sucking the life blood from our veins when fanning us to sleep by the cooling breeze of the wide-spread wings of "Union." Give us liberty first, and then Union is the greatest of blessings. Without it, it would be a curse. Let me read you a part of the platform of the stern, unyielding Democrats of old Connecticut, which array in better language than I can command the acts of the party now in possession of the Government I would like to see the Democracy of California adopt this as their platform in the coming election. It has been endorsed by 38,000 of our brethren in the heart of New England.

That the President of the United States, by his emancipation proclamation, has struck a serious blow at the rights of the States; erected a barrier almost impassable between the North and the South, in attacking the people of fifteen States through a domestic institution which is blended with their social fabric, and over which the individual States possess exclusive control and power; and regardless of the great lessons of the past, the National Executive in pandering to the insane fanaticism of the abolition faction policy, which, if successfully inaugurated, would disgrace our country in the eyes of the civilized world, and carry lust, rapine and murder into every household of the slave-holding States:

That the act of the Federal Administration in suspending the *habeas corpus*—the arrest of citizens not subject to military law, without warrant or authority—imprisoning them without charge or accusation—denying the right of trial by jury, or witnesses in their favor, and counsel for the defence—withholding from them all knowledge of their accusers, or the cause of their arrest—answering their petitions for redress by repeated injury and insult—prescribing, in many cases, as a condition of their release, test oaths, arbitrary and illegal:

In this abridgement of the freedom of speech and of the press—in suppressing newspapers by military force, and establishing a censorship wholly incompatible with the freedom of thought and expression of opinion:

In the establishment of a system of espionage by a secret police, to invade the sacred privacy of unsuspecting citizens:

In declaring martial law over States not in rebellion, and where the Courts are open and unobstructed for the punishment of crime:

In attempting to strike out of existence the entire value of property in slaves throughout the country;

In the attempted enforcement of compensated emancipation:

In the proposed taxation of the laboring white man to purchase the freedom of the negro, and place his labor in competition with the white man thus taxed:

In the dismemberment of the State of Virginia, erecting within her boundaries a new State without the consent of the Legislature:

Are each and all arbitrary and unconstitutional; subverting the Constitutions, State and Federal; invading the reserved rights of the people and sovereignty of the States; and if sanctioned, destructive of the Union; establishing upon the common ruins of the liberties of the people and the sovereignty of the States *a consolidated military despotism.*

Will any one have the effrontery to say that these outrages upon the Constitution and upon the inalienable rights of the people were necessary in order to carry on a successful war against the South? Was it necessary to seize respectable citizens by an armed force and transport them to distant States or countries for imprisonment? Take the case of Mr. Vallandigham, of Ohio, who has just closed a term of five years in the Congress of the United States. I know not what the charges against him were, nor do I care. His "castle" was invaded, he was seized by a military force, carried to another county and subjected to trial before a military court in contravention of the laws of the land. That tribunal, held in secret, sentenced him to transportation. If he had butchered his wife, and slaughtered all his innocent children in cold blood, he would have been arrested by a police officer, carried before a civil tribunal and regularly committed to prison. In due time he would have been indicted by the Grand Jury, arraigned and put upon his trial before an unprejudiced jury of his countrymen. If unable to employ counsel to defend him, the Court would provide one, and see that witnesses, if any he desired, were properly summoned. These rights are secured to the *murderer*, but not to the Democrat who dares to question the policy of the party in power, or speak irreverently of the Chief Magistrate! These rights are secured to the traitor, who takes up arms against the Government to which he owes allegiance, but not to the man who openly speaks of the corruptions of the present Administration! And yet this is not a despotism, but a republican government, where liberty of speech is secured by the fundamental law. Blessed land of liberty! Thou art still the land of the free and the home of the oppressed—the asylum of the down-trodden victims of the despotism of the Old World! Why, an old English writer, speaking of the Magna Charta, says: "Every man's house is his castle, not that it is surrounded with walls and battlements. It may be a straw-built cottage. Every wind of heaven may whistle through it, all the elements of heaven may enter it, *but the King cannot, the King dare not enter it.*" Most gallantly have the Democrats of that noble State come to the rescue of the champion of American liberty. A State Convention of 370 delegates from the respective counties nominated him for the Chief Magistracy of the State, although

exiled by order of the President of the United States. He will be elected, beyond all doubt, unless the Army is used, as it was in Connecticut, to silence the voice of the people. The ball is now in motion, and God grant that it may roll on until the last vestige of Black Republicanism is destroyed in America.

Fellow-citizens: When did it become treason to arraign the acts of the President? So careful were our fathers to protect the people in their rights, that instead of giving Congress the power to define this crime, they proceeded to declare, in precise terms, what should constitute treason. But I ask again, when did it become treason to doubt the necessity of a war, or condemn the manner in which it is prosecuted? Certainly not in 1812, when the papers of New England during the war with Great Britain denounced it "*most infamous.*" It was not treason when the "Salem Gazette" said: "At the door of James Madison and his accomplices lies the blood of our butchered countrymen!" It was not, when one of their clergymen (Mr. Gardner) said in the pulpit at Boston: "Mr. Madison has declared war, let him carry it on." It was not treason when the "Boston Sentinel" said: "So unjust is this offense into which our rulers have plunged us, in the sober consideration of millions, that they can not conscientiously approach the God of armies and invoke his blessing upon it." It was not, when the "U. S. Gazette," at Philadelphia, said: "*The war is purely Democratic; it was undertaken for Democratic and not national purposes. Let the Democrats, therefore, terminate it as best they can. We have no partnership in the matter.* * * The war has hitherto been the war of a party; let it so continue and so be terminated! The disgrace will then continue to be the disgrace of the party, and not of the country—a consummation devoutly to be wished!" it was not, when the "Boston Advocate" said: "Our plan is to withhold our money and make a separate peace with England." It was not, when the same paper said: "Will the people lend money to our national rulers? It is grateful to find that the universal sentiment is that any man who lends money to the Government at the present time will forfeit all claim to common honesty and common courtesy among all true friends to the country." It is now a high *crime* to discourage enlistments, and men guilty of it are sent to prison. If a man advises his son or brother not to engage in this war under the orders of the Government, he is waited upon by a provost guard and conducted to prison? Not so in 1812, when Dr. Osgood said in one of his sermons: "Every man who volunteers his services or loans his money for its support, or by his conversation, writings, or by any other mode of influence encourages its prosecution, that man is an accomplice in the wickedness, and loads *his conscience with the blackest crimes, brings the guilt upon his soul, and in the sight of God and the law is a* MURDERER." It was not when Timothy Pickering (Secretary of State under Washington and the elder Adams) in the U. S. Senate, said, "as he was confident of the inexpediency and injustice of the war, he could not vote for any bills which in any manner aided it. My aim is to put an end to this unjust and ruinous war, and therefore I oppose all supplies for carrying it on."

These things were said publicly when our country was engaged in a fearful contest with one of the most powerful nations of the earth—a war which has been properly designated "the second war of independence." *But we hear of no military arrests, no Provost Marshals, no martial law, or suspension of the writ of habeas corpus, or imprisonment in bastiles, or suppression of newspapers!* So far from it, we find Mr. Madison, then President, in his message to Congress using the following language: "Our Constitution secures to us the freedom of speech, and at this momentous period it is our right and our duty to inquire into the grounds and origin of the present war, to reflect on the state of public affairs, and to express our sentiments concerning them with decency and frankness, and to endeavor, as far as our limited influence extends, to promote by temperate and constitutional means an honorable reconciliation." (See Annals of Congress—13th Congress, vol. 1, page 333.) Instead of denying, Mr. Madison says that it is not only the "RIGHT" but the "DUTY" of the people to express their sentiments in regard to the war.

It could not have been treason when the Legislature of Massachussetts sent a memorial to Congress denouncing the war as "*improper*, impolitic and UNJUST." (See same vol., page 37.) Nor could it have been treason when the Governors of Massachussetts and Connecticut refused to call out the militia of the respective States upon the requisition of the President, in anticipation of the war with England in 1812. Nor was it when they subsequently claimed the power to control the militia when called out, and instructed them "not to invade the enemy's territory." Nor was it treason when King, of Massachussetts, said, in the House of Congress:

> Ask the twice ten thousand fatherless children, orphaned by the war, if glory will give them bread when hungry, or clothes when naked, or restore to them the endearing relation of father! No, Sir! No, Sir! They are thrown destitute and helpless upon the mercy of a wide world, which must forever hide them, and will be taught to lisp in curses the name of Madison and Madison's war!

It would be treason for me to say in the language of this same Congressman:

> Follow me to your various encampments; visit with me your numerous battle fields, crimsoned with blood, and cry glory—glory over the mouldering remains of 30,000 slaughtered, murdered American citizens, victims to your ambition and folly, and see if it will reanimate and restore them to their country and their friends. No, Sir! *No; their accusing spirits have ascended to their God, and their blood will be required at your hands.*

Again, it could not have been treason in January, 1848, when the anti-Democratic party in Congress passed a resolution declaring that "*the Mexican war was unnecessarily and unconstitutionally begun by President Polk.*" It was not treason when Governor Corwin, in the Senate of the United

States, would have the Mexicans welcome our gallant volunteers, "with bloody hands to hospitable graves." It could not have been treason when President Lincoln, then a member of the House of Representatives, was supporting and defending this resolution. It could not have been treason when he said upon the floor of Congress, when speaking of President Polk, "he feels the blood of this war, like the blood of Abel, is crying to Heaven against him." Nor was it treason when this gentleman, in the same speech, gave utterance to the following language:

> Now, at the end of about twenty months, during which time our arms have given us the most splendid success; every part—land and water, officers and privates, regulars and volunteers—doing all that men *could* do, and hundreds of things which it ever before had been thought men *could not do*; after all this, this same President gives us a long message, showing us that *as to the end* he has himself even no imaginary conception. As I before said, he knows not where he is. He is a bewildered, confounded and miserably perplexed man. God grant that he may be able to show that there is not something about his conscience more painful than all his mental perplexity.

And it would not do for me to say: "How like the half insane, mumbling of a fever dream is the whole war part of his last message." Or that: "*His mind, tasked begond its power, is running hither and thither, like some tortured creature on a burning surface, finding no position on which it can settle down and be at ease.*" All these things were said by Mr. Lincoln in regard to President Polk and the Mexican war. See Appendix to Congressional Globe, vol. 19, 1st session 30th Congress, pages 94 and 95.

Now, fellow citizens, how many of our countrymen have been thrown into prison during this war for using language in regard to Mr. Lincoln much less severe than this. But times have changed, sadly changed since then, although we are living under the same Constitution, guaranteeing free speech and a free press! It would be the foulest treason for a Democratic citizen to say that President Lincoln feels "*that the blood of this war, like the blood of Abel, is crying to Heaven against him.*" Nor would it do to say that "*He is a bewildered, confounded and miserably perplexed man;*" that "*there is something about his conscience more painful than all his mental perplexities;*" that "*after twenty months he has even no imaginary conception as to the end.* Nor would it do to say that "He knows not where he is;" or that "*His mind, tasked beyond its power, is running hither and thither, like some tortured creature on a burninig surface, finding no position on which it can settle down and be at ease.*" I do not say these things, because the cold walls of the California bastile are now frowning upon me.

Under the sedition act of the elder Adams, the unfortunate man who spoke disrespectfully of the Chief Magistrate, or other high functionary, was allowed a trial before a jury, and permitted to offer evidence to prove the truth of his declarations. But under the orders of President Lincoln and his Secretaries, men have been imprisoned for months, and no charges made against them. And all these things have been done to stifle discussion, and perpetuate Republican rule. But it will not answer. The voice of the people cannot, I trust, be silenced. The Democrats, under Jefferson, repealed the sedition act, and drove the Federals from power. The descendants of the same men will take care, if allowed the right of suffrage, to vindicate their rights, and hurl from their high places these men who have sought to deprive them of the liberty of speech, and trampled upon the Constitution of their fathers.

> "For time at last sets all things even—
> And if we do but watch that hour,
> There never yet was human power
> Which could evade, if unforgiven,
> The patient search and vigil long,
> Of him who *treasures* up a wrong."

We were drifting rapidly into a military despotism, when a voice came through the ballot-box, admonishing the party in power that the Constitution must be maintained and the rights of the people respected. How far this admonition will secure the people in the enjoyment of their Constitutional rights—liberty of speech and freedom from military arrests—remains to be seen. I fear it will be disregarded, as I see some indications that you intend to use your army of a million of men in such a way as to perpetuate your power by taking possession of the ballot-box. I confess that I have fearful forebodings as to the future; but I will, however, trust in the influence of truth, whose empire is felt in every human heart when once it has touched it. I will put my faith higher yet—"in Providence; for it cannot be that God will permit such a scheme of Government as this, freighted as it is with the highest hopes of humanity, to be wrecked in the wild orgies of madmen and fanatics."

The total extinction of slavery and the subjugation of the South is now the avowed policy of the Administration. They have abandoned all idea of reconstructing the Union as it was. The whole military and naval power is to be used to emancipate the slaves and subjugate their masters. Subjugate? Let me tell you, fellow citizens, that eight millions of Americans, reared under republican institutions, who believe they have been oppressed, and are determined to be free, never can be subjugated. Extermination is possible, but subjugation never can be accomplished. Look at these men as they are. They believe (no matter whether right or wrong,) that Mr. Lincoln was elected for the purpose of emancipating their slaves, and reducing them to penury and want. They believe that their happiness and prosperity demands a separation from the North. That fraternal feeling which bound the States together, and constituted the strength of the Union, was long since destroyed. They threw off (unwisely, I think,) what they regarded as the yoke of the oppressor, and boldly struck for independence. They preferred revolution,

with all its horrors, to a continued alliance with those they despised. You see the whole white population rushing to arms. The females stripping themselves of their jewelry and selling their costly furniture to supply the troops with food. See them, when unable to protect, destroying their crops worth millions of dollars, and, bare headed and bare footed, meeting our well clad and well fed legions upon the bloody field of battle. Both armies have performed deeds of valor, and exhibited heroic courage almost unparalleled in the history of man. Why, Mr. Wilson, of Massachusetts—who, from his position as Chairman of the Military Committee in the Senate, is, upon war questions, the leader of that body—as early as the 14th December, 1861, from his seat, said: "I do not know where to find, in the history of any country or of any age, a people who have manifested more vigor and more power, according to their numbers, than have the men engaged in this rebellion."

These men of the South believe that we have invaded their country to strip them of their property, reduce their wives and children to beggary, and fasten the chains of slavery upon them. Can Americans, entertaining such sentiments, be subjugated? Can a people who think and feel that they are fighting for all that makes life desirable be conquered? No, Sir! Never! Never! Suppose all the powers of Europe should combine and invade America, with the declaration that they came to confiscate our property, reduce our wives and children to penury and want, and subjugate us. Could they accomplish it? Every American heart responds—Never! Never! They might annihilate our navy, ruin our commerce, destroy our cities, break up our divisions, scatter our armies, spread desolation throughout the land; but we would take to our mountain fastnesses and their continue the war until the last man was slaughtered. We would "razee every house, burn every blade of grass, and the last entrenchment of liberty would be our graves."

I have already said that the idea of reconstructing the Union as it was has been entirely abandoned by the party in power. Can the States be reunited in any form by the prosecution of the war? I believe that a reconstruction of the Union could readily have been effected previous to the passage of the confiscation acts, and the emancipation proclamation of the President. Although that eminent orator and statesman to whom I have already referred, (Judge Douglas,) in the speech from which I have quoted, said:

> If war comes it must have an end, and that termination, I apprehend, will be *final separation*. Whether the war lasts one year, seven years, or thirty years, the result must be the same—a cessation of hostilities when the parties become exhausted, and a treaty of peace recognizing the separate independence of each section. The history of the world does not furnish an instance, where war has raged for a series of years between two classes of States, divided by a geographical line, under the same National Government, which has ended in reconciliation and reunion. *Extermination, subjugation* or *separation* must be the result of war between the Northern and Southern States. Surely you do not expect to exterminate or subjugate ten millions of people—the entire population of one section—as a *means of preserving amicable relations between the two sections!*

See Congressional Globe, part 2, 2d session 36th Congress, page 42, Appendix.

The whole theory of our Government is based upon the idea of the consent of the governed, and that the States are held together by the ties of interest and affection, and not physical force. Suppose we succeed in breaking down the State Governments and establish military rule in its stead, it will, in my judgment, require as strong a force to maintain as it did to establish it. Instead of seeking to win them back into the Union by promises of equal rights, equal protection, you are now waging a war against the institutions which constitute the foundations of their social and political organization. Are we not sending our vast armies into the field to drive them from their homes and the consecrated graves of their ancesters. Why the "Morning Call," of San Francisco, under date 17th ult., contains a letter from a soldier in the Southwest, which says: "General Rosecrans sent us word to kill, burn and destroy, and we are filling the order to the letter." And is this the way in which you propose to restore the Union! Why, fellow citizens, have we gone back to the barbarian ages, when war was waged for plunder, instead of National conquest or National honor? Vattel, one of the oldest and most distinguished writers upon the law of nations, says:

> A civil war breaks the bonds of society and government, or, at least, it suspends their force and effect; produces in the nation two independent parties, considering each other as enemies, and acknowledging no common judge; therefore, of necessity, these two parties must, at least for a time, be considered as forming two separate bodies, two distinct people. * * Things being thus situated, it is very evident that the common laws of war, *those maxims of humanity, moderation and probity*, which we have before enumerated and recommended, are in civil wars to be observed on both sides. Whenever a numerous party thinks it has a right to resist the Sovereign, and finds itself able to declare that opinion, sword in hand, the war is to be carried on between them in the same manner as between two different nations; *and they are to leave open the same means of preventing enormous violences and restoring peace.*

"Kill, burn and destroy!" Have we become a nation of madmen? Have we become so brutalized by war, that these things receive our sanction? Are they not disgraceful to the age, disgraceful to humanity? It is a savage order, no matter whence it came, and none but brutes would execute it. This order is very much after the style of Parson Brownlow, who is now addressing the people of the Northern and Western States upon this war. This reverend Minister of the Gospel of Peace recently delivered a street speech at Chicago, Ill., in which he said: "He had seen hundreds of horses and mules dead at Murfreesboro, and his bowels moved with *sympathy, sorrow and regret—he was filled with sadness;* but when he looked upon *the graves of thousands of rebels* at the same place, buried just as they used to bury cabbages in East Tennessee, HE LOOKED ON WITH COMPLACENCY AND DELIGHT. * * He wished to be in East Tennesse when the Federal

advance reaches there, for there are men in that region whom he is determined shall pull hemp without foothold. *He was for hanging the scoundrels upon every limb, and shoot them down like* DOGS *wherever found.*" And civil war has so changed the character of our people, that these brutal sentiments were applauded! May I not say again: Have we become a nation of madmen? Is this the nineteenth century? Can we expect the blessings of Heaven to rest upon a people so destitute of all the principles which characterize a Christian and civilized nation?

Sixteen years ago, when the national honor compelled us to send our armies to invade Mexico and plant our banner in the very heart of that Republic, we gave them no instruction to "kill, burn and destroy." On the contrary, private citizens were unmolested, and private property everywhere respected. If any was taken for the use of the Army, a just and full compensation was made. Besides, we sent a commissioner along with the Army to negotiate for peace, thus carrying the sword in one hand and the olive branch in the other.

Now let me call your attention to another order. Similar orders have been issued in other military districts, but I take the one published in the "Alta," from Columbus, Ky. Amongst other things it says: "It is hereafter made the important duty of all post commanders and Provost Marshals in this district to arrest all persons who shall in any manner express their sympathy for rebels in arms against the Government of the United States." Mark the words: "*All persons who shall in any manner express sympathy,*" etc.

I am more fortunate, in one respect, than many of my countrymen. I have no kindred, to my knowledge, in either army or navy. But suppose I had. Suppose I had a kind, affectionate, manly brother in the Southern army, and suppose I received the intelligence, when in a public company, that he had been killed in one of the great battles which are daily occurring. If I shed tears, as in the weakness of poor human nature I probably would, this would be "an expression of sympathy for rebels," and under the order I would be sent to prison! Great God, is there any other country upon the face of the earth where the poor privilege of weeping over the death of a brother or friend is denied? Or if I should hear that a favorite son, upon whom all the affections of my heart had concentrated, born in the South and educated to believe that his first allegiance was due to his State, had been stricken down in battle and was laying in one of their miserable hospitals suffering for the necessaries of life, and I should send him a few dollars to relieve his wants, or it may be to smooth his passage to the grave—you would not only send me to prison, but under the laws of this State deny me the right to prosecute a suit in the Courts! If a Republican was to seize upon a portion of the little farm where I live, and it became necessary to bring a suit to eject him, the lawyer would advise him to put in the plea that I had sent money to a rebel, and I would be hooted out of Court! And yet this is a free country! Have not the shackles been stricken from the Negro? Is he not now in the enjoyment of the largest liberty? Is he not as free as the grizzly bear that roams over your majestic mountains? But enough of this.

Judge Douglas, to whom I have so frequently referred, never spoke the truth more forcibly than when standing in the Senate on the 15th March, 1861, he gave utterance to this language: "History does not record an example where any human government has been strong enough to crush ten million people into subjection when they believed their rights and liberties imperilled, *without first converting the Government itself into a despotism and destroying the last vestige of freedom.*" The Administration conceding the truth of this declaration, is now attempting to subjugate the South, by "*first converting our Government into a despotism and* DESTROYING THE LAST VESTIGE OF FREEDOM!"

To accomplish this they expect to use an army of a million of men, with fixed bayonets, to control the elections in the respective States, and thus perpetuate Republican rule. Let me read you a special order from the War Department, the genuiness of which is vouched for by Governor Seymour, of New York, in his veto message:

War Department, Adjutant General's Office,
Washington, March 13, 1863.

14. By direction of the President, the following officers are hereby dismissed from the service of the United States. * * * * * * Lieutenant A. J. Edgerly, Fourth New Hampshire Volunteers, for circulating Copperhead tickets, and doing all in his power to promote the success of the rebel cause in his State.

By order of the Secretary of War,

To the Governor of New Hampshire. L. THOMAS, Adjutant General.

The tickets which this young man distributed were Democratic tickets. He is charged in this dignified order with doing all in his power "to promote the success of the rebel cause," because, as a free man, he went to the polls and voted for a man for Governor who received a much larger number of votes than the Republican Administration candidate! Governor Seymour very justly remarks, that "*such acts are more disastrous to the cause of our Union than the loss of battles.*"

Men of California, I would to God that I could impress upon your minds the necessity of prompt and vigorous action. Whilst prating about "the Union, the enforcement of the laws, the necessity of standing by the Government, the obligation to protect National honor," they are forging the fetters which are to bind us and our children to the car of despotism, and thus destroy the last vestage of American freedom.

If you want additional evidence of the design of the Republicans take the statement of Senator Baker, of Oregon, on the 10th July, 1861, in the United States Senate. He said: "I want sudden, bold, forward, determined war; and I do not think anybody can conduct war of that kind as well as a *dictator!*" Congressional Globe, 1st session 37th Congress, page 44. The same sentiment was advanced by Mr. Stevens, the leader of the House of Representatives. Fellow citi-

zens, I again beg, I again implore you to defeat this movement of the Republicans to fasten a DICTATOR upon us. Go to the polls at the next election, resolved to exercise the rights of freemen, uncontrolled by military power, or perish in the attempt.

Congress, at the last session, authorized the President to enlist and arm 300,000 negroes, and send them, with all their hostile feelings and prejudices, against those whom they regard as the oppressors of their race, to spread ruin and desolation throughout the South. I shudder at the horrible outrages which these infuriated wretches will inflict upon the women and children who fall in their way.

"A thousand years from now
Pale ghosts will sit upon the Stygian shore,
And read their acts by the red light of hell."

Upon the score of humanity it would have been far better to have imported 300,000 bloodhounds and placed them under the command of Major General Butler, to hunt down these unfortunate people. They would be more merciful than the black regiments, with all their brutal passions unrestrained. And in this way it is proposed to win back our erring brethren, and reconstruct the Union! We will make them love us by stripping them of their property, and driving their helpless women and children from their firesides and homes! We will compel them to honor and respect our flag by placing it in the hands of emancipated slaves! And what are the inducements we hold out to our misguided brethren to return to our fraternal embrace? Do we promise to feast them as the prodigal son was feasted when he returned to his father's house? No! we demand unconditional submission to our laws. Well, what are these laws? The answer is, your slaves are emancipated, all your property confiscated, your wives and children reduced to beggary, and in due time you will be tried for treason and executed as a traitor upon the scaffold! Is it strange that an American should prefer dying upon the field of battle, by the hands of our brave soldiers, than to be strung up by the common hangman? Was there ever such delusion? Does the history of the word present a parallel case? Here you must allow me to quote from the last speech of Judge Douglas, delivered at Chicago, in May, 1861, a few days before his death. This, it will be perceived, is after the attack on Fort Sumter: "We must not invade constitutional rights. The innocent must no suffer, nor women or children be the victims. Savages must not be let loose." Yes, fellow citizens, his last words to the people were, "the women and children must not be the victims. SAVAGES MUST NOT BE LET LOOSE."

How, then, can the war be terminated? Certainly not by the party who now control the Government, for they stand pledged to prosecute it until slavery is entirely extinguished. The emancipation of four millions of negroes is of far more importance to them than the lives and property of eight millions of their own race. I believe the conservative element in this country is still strong enough to save us from utter ruin. Let the people, in accordance with the Constitution and laws, drive these men, who have converted this once happy and prosperous republic into a land of misery and mourning, from the high places they now occupy. The Federal Government, in the hands of National Democrats, who always maintained the equality of the States, and who were at all times opposed to the organization of sectional parties, this war might be terminated, an honorable compromise effected, and the Union, perhaps, restored in some form. But if this cannot be done—what then? Are we to continue the war until both sections are entirely exhausted? May we not then find our once happy and free country partitioned amongst the great Powers of Europe, as was the case with brave, chivalric, but unfortunate Poland? Are we to disregard all the sad lessons which history teaches us? Or, is this war to terminate as most of the revolutions which have convulsed the world have terminated? First, anarchy; and then, despotism.

In 1791 the National Convention of France passed a decree abolishing all distinctions in society, and declaring "that all men are free and equal." This was promulgated in the French West Indies, and very soon a violent contest sprung up in the island of San Domingo between the whites and the free colored inhabitants. In the meanwhile the slaves discovering that the comprehensiveness of the decree embraced them, they took up arms and massacreed or drove out both parties. The scenes enacted by these brutalized Africans presents one of the "bloodiest pictures in the book of time." On the 1st January of the present year, President Lincoln virtually declared that "all men were free and equal" by his emancipation proclamation. Are the Southern States to be Africanized, and are we to have the bloody drama of San Domingo re-enacted? And where did the President get the power to confiscate the property of nine millions of people? He gets it from the hand-book relied upon by tyrants in all ages of the world. It is the book in which the law of "military necessity" is written. It consists of but a single line! "*Do as thou wilt with the lives, liberty and property of the people.*" But in this case the plea is a false one. The Republican party was most solemnly pledged to the emancipation of the slaves, as I think I have already clearly and conclusively established. It is, therefore, entirely too late in the day for the President and his party to affirm that emancipation was forced upon them by "*military necessity.*" They were fully and fairly committed before God and man to this policy long before the first State seceded from the Union. Away, then, with this miserable, hypocritical canting about "military necessity!"

We are vastly superior to them in numbers; we have a powerful navy and a million of soldiers in the field against their ragged, half starved, shoeless troops; but have we in any of the great battles which have been fought, gained any decisive advantage? We have already sacrificed more than one hundred thousand of our soldiers in the efforts to take the

city of Richmond, and the work is still going on! Have they not exhibited a degree of heroic courage, of fortitude, of endurance under all sorts of hardships almost unparalleled in the history of the world? Is there more bravery south of Mason's and Dixon's line than north of it? No, Sir; no, Sir. In the Mexican war I have seen Northern and Southern troops together in the camp, upon the toilsome march, and side by side on the bloody field of battle, and saw no difference. But "thrice is he armed who *thinks* his quarrel just." How many thousands are there now in our ranks, who enlisted solely to maintain the supremacy of the Constitution and restore the Union as it was, fighting reluctantly since it has been converted into a war for the emancipation of the negroes and the subjugation of the whites?

The vast army which we had but a short time since is fast fading away by the casualties of war and by the expiration of the terms of enlistment. To maintain the field, another army is demanded, and this is to be raised by conscription. And from them what can we expect? More than half of them will take up arms reluctantly because they have no heart in it, because they are not in favor of the emancipation of the blacks or the enslavement of the whites, because they do not believe that a re-union can be secured and fraternal feeling restored by a prosecution of this war. What then? Under these circumstances I frankly confess, that as an American citizen of the North, who sincerely desires the prosperity and happiness of the people amongst whom his lot has been cast, I am in favor of an armistice. I would suspend hostilities and see whether there is not enough of the old American patriotism, which founded the Government, still in the country to effect an honorable compromise and stop this terrible destruction of human life which must inevitably result in the ruin of both sections.

A national convention of delegates, representing the people of the respective States, might be called, and some arrangements made, satisfactory and honorable, by means of which a re-union could be formed. I know that there is not a national Democrat in the broad land who would not cheerfully sacrifice his life, if the Union, the blessed Union of our Fathers, "the Union of hands, the Union of hearts," could be restored. Without claiming more patriotism than that which animates the bosoms of most of my countrymen, I can say, in the sincerity of my heart, that I would willingly spend the remainder of my life in a dungeon, if I could only be allowed to open the door of my cell when my eyes were about to close forever, and see that glorious old emblem, the Stars and Stripes, proudly waving over a happy and united nation—a nation bound together by the ties of fraternal affection.

But if we can not accomplish this; if we can not induce our misguided brethren to come back into the Union upon guarantees which Democrats have always been willing to accord them; if, indeed, a feeling has been engendered which renders it utterly impossible for us to live peaceably together, why, then in God's name let us separate. I would say to them, as the old patriarch Abraham said to his nephew, Lot, when strife arose amongst their herdsmen: "Go thou to the right hand, and I will go to the left, and let there be peace between us." As Burke said of the American colonies in 1777: "I would part with them as a limb, but as a limb to save the body; and I would have parted with more, if more had been necessary; anything rather than a fruitless, hopeless, unnatural civil war."

Regarding the restoration of the Union as hopeless, I would, if possible, form an alliance, offensive and defensive, so far as foreign powers are concerned, and leave the work of re-construction to the next generation. Profiting by the bitter experience of their fathers, they may be able to unite the now discordant elements and build up a great and powerful nation of freemen.

I believe with General Jackson that "the Constitution can not be maintained, nor the Union preserved, by the mere coercive powers confided to the Federal Government. The foundation must be laid in the affections of the people; in the security it gives to life, liberty, character, and property, in every quarter of the country; and in the fraternal attachments which the citizens of the several States bear to one another as members of one political family." If compelled to choose between extermination, subjugation, or separation, I prefer the latter. I have never thought that these States could be held together by force, and I fully concur in the sentiments expressed by John Quincy Adams in 1838, and by Edward Everett in February, 1861—both eminent statesmen. In speaking of the right of revolution, Mr. Adams said: "If the day shall ever come (Heaven avert it) when the affections of the people of these States shall be alienated from each other; when the fraternal shall give way to cold indifference, or collision of interest shall fester into hatred, the bonds of political association will not long hold together parties no longer attracted by the magnetism of conciliated interests and kindly sympathies, and far better will it be for the people of these disunited States to part in friendship from each other, than to be held together by constraint."

Mr. Everett (late candidate on the Union ticket for the Vice Presidency) said: "To expect to hold fifteen States in the Union by force is preposterous. The idea of a civil war, accompanied as it would be by servile insurrection, is too monstrous to be entertained for a moment. If our sister States must leave us, in the name of Heaven let them go in peace." That great British statesman, Mr. Burke, in 1777, when speaking of the war which our fathers were then waging for American independence, said: "This mode of yielding would, it is said, give way to independence without a war. But if it had this effect, I confess that I should prefer independence without war than to independence with it; and I have so much trust in the inclinations and prejudices of mankind, and so little in anything else, that I should expect ten times more benefit to this kingdom from the affections of America, though under a separate establishment, than from her perfect

submission to the Crown and the Parliament, accompanied with her terror, disgust and abhorrence. Bodies tied together by so unnatural a bond of Union as MUTUAL HATRED, are only connected to their ruin." Mark the words, fellow-citizens; for they are as true as the Gospel of our blessed Saviour: "Bodies tied together by so unnatural a bond as mutual hatred, are only connected to their ruin." I grant you that there would be many difficulties which would probably arise from a disunion of the Republic; but I prefer the experiment to the continuance of this most unnatural war. We have neighbors on this continent, with whom we have lived peaceably for more than half a century. A great nation of a different form of government, but of the same language and race, occupies and exercises jurisdiction over territory separated from us by narrow rivers and geographical lines. By means of steamboats, railroads and telegraphs, we hold daily and hourly communication with their people. Both countries have prospered, and no serious difficulties have occurred to disturb the friendly relations of the respective Governments. If we can live peaceably and quietly with Great Britain, can we not do the same with Americans who were once members of our own family? Small rivers and geographical lines also separate us from Mexico, and yet will it be said that we must necessarily quarrel? Can not public treaties and the law of nations govern and control our intercourse with each other as well as with foreign nations? We have treaties with England and Mexico in regard to the joint navigation of rivers and other waters running through or constituting the boundaries between their territories and ours, and cannot the same be done with the South? The incalculable evils which have resulted to both sections from the prosecution of this war, will disincline them to rush madly into controversies in future.

A few more words in conclusion. As an humble member of Congress, nearly a quarter of a century ago, I warned the country against the consequences which would inevitably result from the persistent hostility evinced by the North towards the institutions of the South. As a member of the Senate in later years, and before popular assemblies, I have again and again predicted (what required no prophet to foresee,) that a spirit was being engendered between the two sections, which, unless arrested, would terminate in a dissolution of the Union. I have all my life been a National Democrat, and I therefore feel that not a single drop of that vast ocean of human blood which has been shed in this war rests upon my hands. The principles which I have always advocated—to love the whole Union, and do equal and exact justice to all the States—place me in the position which I now occupy. And here I will be charged with disloyalty. Well, what is loyalty? I do not like the word, because it belongs to a different form of government from ours, and has been imported by "Republicans" for the purpose of applying to those who stand by the President, right or wrong, in all his acts. The Constitution of the United States declares: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land." This is the true standard of loyalty, and the man who strictly observes this in all his actions can never be charged with disloyalty. But do the Republicans regard "the Constitution, and the laws made in pursuance thereof, the supreme law of the land?" Do they not sustain the Executive in trampling upon the Constitution "and the laws made in pursuance thereof." Who, then, are disloyal? I owe no allegiance to Abraham Lincoln. I have taken no oath, (and, God helping, I never will,) to be true and loyal to him. My allegiance is due to the Constitution and the laws passed in pursuance thereof. These I am to regard as the supreme law of the land; and as a Democrat I intend to do it. Who resisted by force the execution of the Fugitive Slave Act—a law passed, as the Supreme Court says, "in pursuance of the Constitution?" Who raised mobs in Ohio, Massachusetts, Pennsylvania, Wisconsin, and several other free States, to prevent its execution? Who organized the "Vigilance Committee" in San Francisco, suspended the criminal Courts, hung men without judge or jury, and sentenced others, without trial, to transportation? Who inaugurated a military force which, month after month with their bayonets, set the Executive and Judicial authorities of the State at defiance? The Democrats? No, Sir! Never! It was these "law abiding," "loyal" Republicans who are bitter in denouncing as disloyal and aiding in transporting to prisons Democrats who have always been faithful and true to their allegiance. But I may be denounced in the present excited state of the popular mind. Be it so; be it so. I am sick and tired of war. I am for peace; although I know the Republicans have changed the Scripture, as promulgated by our Saviour, and now make it read: "Cursed are the peace-makers, for they shall be called traitors, and inhabit our bastiles." I confess the blood is chilled in my veins, and the heart almost ceases to palpitate, when I reflect upon the evils which this war is inflicting upon our country. The English statesman to whom I have already referred, (Mr. Burke,) in speaking of the subject of civil war, says:

> Civil wars strike deepest of all into the manners of the people. They vitiate their politics, they corrupt their morals, they pervert even the natural taste for equity and justice. By teaching us to consider our fellow citizens in a hostile light, the whole body of our nation becomes less dear to us. The very name of affection and kindred, which were the bond of charity whilst we agreed, become new incentives to hatred and rage when the communion of our country is dissolved. We may flatter ourselves that we shall not fall into this misfortune, but we have no charter of exemption that I know of from the ordinary frailties of our nature.

No, fellow citizens, we Americans have no "charter of exemption" from the ordinary frailties of human nature. This is the language of the profound statesman and philosopher; and equally strong and emphatic is the language of one of England's most distinguished soldiers, who had an opportunity of witnessing the effect of civil wars—I allude to the Duke of Wellington. He says:

It has been my fortune to have seen much of war—more than most men. I have been constantly engaged in the military profession from boyhood until I have grown grey. My life has been passed in familiarity with scenes of death and suffering. Circumstances have placed me in countries where the war was internal—between opposite parties in the same nation; and, rather than a country I loved should be visited with the calamities which I have seen, with the *unutterable horrors of civil war*, I would run any risk; I would make any sacrifice; I would freely lay down my life. There is nothing which destroys property and demoralizes character to the extent which civil war does. By it the hand of man is raised against neighbor, against brother, against his father; the servant betrays his master and the master ruins his servant.

Fellow citizens, we cannot remedy the evils which have already resulted from this war, but is it not the part of wisdom to arrest it? Or must we go on until the country is irretrievably ruined? Shall we, Sampson like, in order to exhibit our strength, tear down the pillars which support the temple of American liberty, and bury all in one undistinguished ruin? Must we madly rush onward until the fiat of the Almighty announces that the Government upon which He graciously smiled for three-quarters of a century has ceased to exist! Shall ours be the doom of ancient Babylon! "God hath numbered thy kingdom and finished it. Thou art weighed in the balance and found wanting. Thy kingdom is divided and given to the Medes and Persians."

Fellow citizens, I am no alarmist. I am not apt to apprehend danger when there is none, nor have I any disposition to arouse either the passions or prejudices of the people; nor have I been actuated in my present course by any other motives than a sincere desire to preserve the liberties of my country. In the ordinary course of nature I must soon pass from this to another state of existence, and hence this question is of far more practical importance to most of you than it is to me. If I did not believe in my soul that this war, unless speedily arrested, will destroy the last hope of American freedom, I should not have spoken here to-day.

But I may be denounced as a traitor. Is it not unjust and cruel to denounce in this manner men who have rallied all their lives around the Constitution whenever it was assailed, stood by your laws when efforts were made to prevent their execution, and rushed to the field of battle when the honor of the country demanded it? These Republicans, who now wield the power and patronage of the Government, denounce as traitors all who will not aid them in trampling upon the Constitution and the inalienable rights of the people. They denounce as traitors American citizens who are unwilling to sacrifice their own liberties and become the slaves of a military despotism in order to emancipate the negroes of the South! They send to their bastiles and loathsome prisons men who dare utter a word in behalf of a bleeding Constitution and an outraged people! Women as well as men have been made the victims of their merciless hands. They have respected neither age, sex, nor condition. The young and the old, the strong and the feeble, the wise and the foolish, all, all alike have been forced from their homes and incarcerated in prisons. They have shown none of that mercy

> "Which becomes
> The throned monarch better than his crown."

In their madness, their folly, their wickedness, they have despoiled the angel of liberty and robbed her of all the charms which attached us to her. If any traces still remain of her former beauty,

> "'Tis but that loveliness in death
> Which parts not quite with parting breath;
> Expression's last receding ray,
> A gilded halo hovering round decay."

But you call me a traitor to the country! A traitor, because I will not abandon the principles which have governed and controlled my political actions for more than a quarter of a century; a traitor, because I will not quietly submit to have the yoke of a military despotism fastened upon my neck; a traitor, because I do not believe in the infallibility of the President, and dare to complain of his repeated violation of the Constitution of my fathers; disloyal to the Government, because I am in favor of expelling from power the men who have robbed the Treasury of untold millions, and by their policy converted our once happy homes into houses of misery and mourning; disloyal, because I will not yield a cheerful acquiescence to the doctrine of "military necessity" and sustain the Executive in his usurpations of power; disloyal, because I am resolved, so far as I can, to transmit to my children unimpaired the rich legacy I received from my ancestors. I will

> "Stand for the right 'mid the gloom and the sorrow
> That is now lowering over the prospect of to-day;
> For the truth will shine brighter to-morrow
> While darkness and doubt shall be driven away."

It is quite probable that the sentiments which I have this day expressed are not in accordance with those entertained by a majority of my countrymen. To me this is a matter of deep regret, but I cannot help it. If I desired to reënter public life, *policy* might have dictated the withholding many things that I have said to-day; but I resolved at the outset to discard all such considerations and make a clean breast of it. "Come weal or come woe," I have spoken the firm convictions of my mind—the honest sentiments of my heart.

In the meanwhile I will be loyal and true to the Constitution, true to my principles, true to my conscience, and true to what I conceive to be the permanent interests of my country, no matter what the consequences may be. Although the storm may not subside and the skies brighten in

my day, still I venture the prediction, that the generation which succeeds me will never say to my children that their father was a traitor to his country.

Fellow citizens, for the expression of these sentiments I may be seized by a military guard, as others have been, dragged away from my wife and children, and incarcerated in prison. Well, if indeed I have outlived the liberties of the people, it is a matter of very little importance where an old National Democrat spends his few remaining years. And if, in the Providence of God, it should be my destiny to terminate my days in a dungeon, I ask kind friends (for I trust I will leave some behind,) to raise a simple slab to my memory, and inscribe these words upon it:

"HERE LIES THE BODY OF AN AMERICAN WHO FORFEITED HIS LIBERTY, AND DIED IN PRISON, FOR REFUSING TO AID IN SLAUGHTERING NINE MILLION MEN, WOMEN AND CHILDREN OF HIS OWN BLOOD, IN ORDER TO GIVE FREEDOM TO FOUR MILLIONS OF THE AFRICAN RACE."

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ADDRESSES

CALIF.

DELIVERED

INV. 1898.

AT THE COMPLIMENTARY DINNER

GIVEN TO

THE HON. JOHN B. WELLER.

BY CITIZENS OF CALIFORNIA,

AT THE

KIRKWOOD HOUSE, WASHINGTON, D. C.,

ON THURSDAY, JANUARY 22, 1857.

WASHINGTON:
GEO. S. GIDEON, PRINTER.
1857.

CORRESPONDENCE.

WASHINGTON, *January* 16, 1857.

The Hon. JOHN B. WELLER, *Senator from California.*

DEAR SIR: Your kind and courteous deportment has endeared you to your friends; your devotion to the interests of California claims the gratitude of her citizens; while the ability, dignity, and patriotism with which you have discharged your duties as a Senator, have won the approbation of your country. As an evidence of their esteem and high appreciation of your public services, a number of your fellow-citizens of California respectfully tender to you the compliment of a public dinner, to be given at the Kirkwood House, on Thursday, the 22d instant, at 8 o'clock p. m.

We have the honor to be,

Very respectfully and sincerely yours, &c.,

WM. M. STEUART,
M. DELANY,
W. W. DOBBINS,
A. C. BRADFORD,
C. E. CARR,
Committee of Arrangement.

WASHINGTON CITY, *January* 17, 1857.

GENTLEMEN: Your letter of yesterday, tendering me a public dinner at the "Kirkwood House," on Thursday next, has been received. As it will afford me an opportunity of meeting my California friends together, I cheerfully accept the invitation.

For the very complimentary terms in which you allude to my conduct as a Senator and a citizen, accept my unaffected thanks. I have endeavored to discharge my duty faithfully to our adopted State, and can only regret that I have not been able to accomplish more for that important although neglected portion of our common country. To enjoy the confidence and respect of those who have known me in the social circle, and who, at the same time, have had an opportunity of watching my course in the Senate, is indeed a high honor. I trust my future, whether public or

private, may prove that your confidence has not been misplaced. Standing alone in the Senate, with a multiplicity of public affairs to harass and perplex, if I have not given offence to any of you, it is because of your charity and generous forbearance. Accept again, gentlemen, my thanks for this distinguished mark of your respect.

I am, with great regard,

Very truly, your ob. serv't,

JOHN B. WELLER.

Messrs.

W. M. Steuart,
M. Delany,
A. C. Bradford,
W. W. Dobbins,
C. E. Carr, Esq'rs,

Committee of Arrangement.

ADDRESSES.

The complimentary dinner given to the Hon. John B. Weller took place at the "Kirkwood House," in Washington, on Thursday, the 22d January, 1857, and was attended by a number of distinguished persons as invited guests. Col. William M. Steuart presided, assisted by Messrs. Delany, Dobbins, Bradford and Carr. The hall was beautifully illuminated, and decorated with our national flags and other suitable emblems and mottoes. After partaking of a most elegant and bountiful entertainment, to which the kindly feelings elicited by the occasion gave zest and enjoyment, the president rose and addressed the company in the following remarks:

GENTLEMEN: The occasion which brings us together this evening is of a pleasing and interesting character. We have not met to celebrate any victory won on land or sea—any triumph over foreign enemies, much less over domestic political adversaries. The flag that waves over us is not a trophy taken from a conquered foe, but our own glorious banner, the ensign of our common country, among whose stars, emblazoned with a living glory, that of California has been assigned a place, and whose blended stripes show the beauty and harmony of our national Union. The motto, "*The Constitution*," which is placed above us, reminds us of the instrument which is not only the palladium of our liberties, but, so long as it shall be preserved pure and undefiled, will be a guiding light to the people of other lands—aye, in climes where civilization smiles in its cradle or slumbers near its tomb. Among the principles of that Constitution, if there is any one more to be revered than another—more to be guarded and protected—it is that of political equality which it guaranties. At once the basis of all political rights, as it is the fountain of all honor to the American citizen, there cannot be a greater incentive to honorable ambition, or a greater security for the faithful discharge of public duty. Yet, we are the only people who have tried the experiment. Examine the histories of the most enlightened people who have flourished in the lapse of time, and you

will in no instance find them free from aristocratical distinctions and hereditary rank. In the brightest days of her liberty, when the baffled Persian was sent back over the blood-stained waters of the Hellespont, when virtue was the philosophy of her schools, and the arts and sciences had attained their highest excellence, Greece had her privileged classes. So also had Rome in the proudest days of her grandeur and glory, when patriotism was ranked pre-eminent in the moral code of her gallant people. England, too, whose freedom is proclaimed unparalleled by her partial eulogists—England selects one-half her law-givers by the glittering star a monarch's favor "or the harlotry of genius" attaches to their persons. When, as is beautifully *frescoed* on the walls of yonder Capitol, Cincinnatus was called from the plough to assume the ensignia of power, Rome had her *patricians* and her *plebeians*. But when, as is there also pictured, *our* Putnam was summoned to the battle-fields of the Revolution, he left *his* plough with the proud consciousness that no one of a privileged class—no titled lord or bannered knight—could by right of birth take precedence of him in the path to glory, honor, and immortality. But it needs not the deductions of reason, the examples of history, or the illustrations of art, to prove that the principle of political equality is the vital source, as it is the almighty power, of our institutions. It is written on every American heart, and throbs in every pulse of freemen. We have around us living examples of the philosophy of the theory, and its efficiency in practice. Among those who have honored us with their presence, are many, who unaided by the accidents of fortune, or the prerogatives of birth, have won the highest positions and the most honorable distinctions—men who in the forum, the council chamber, the halls of legislation, as well as on the battle-field and the ocean wave, have nobly sustained the honor of their country, winning for her indeed high renown, but making their own names the brightest jewels in the diadem of her glory. To such men, gentlemen, we will give all honor and praise while yet they live, and when they are taken from us, should the insolent foreigner ask for their tombs and monuments, tell him we Americans bury our illustrious dead in our hearts.

Among those to whom I have alluded, is one whom we have especially met to honor. He sought not California in the wild and reckless spirit of adventure, much less from sordid avarice, to gather the golden sands of her mountain streams, or the bright pearls of her ocean waves; but having won distinction as the representative of his native State in the halls of legislation—having bravely led her gallant sons to victory on the battle-fields of Mexico—he left home, kindred, and friends, to join a people struggling for independence and the right of self-government. For the aid and counsel given us in the darkest hour of "the winter of our discontent," California was not unmindful, and soon called him to the position which he now occupies. Of the ability, dignity, and patriotism with which he has discharged his duties as a Senator, I need not speak. The record is enrolled in the Capitol, and will attest to all future time that he never sacrificed principle to expediency, or his fidelity to the Constitution to party purpose or political speculation. Carrying into the Senate Chamber the same kind feelings and courteous deportment which has endeared him to the friends of his social circle, he has gained the esteem and regard of his illustrious compeers, as is shown by the presence of those around us, as well as the regrets of many at their unavoidable absence.

I give you, gentlemen, the health of the

Hon. John B. Weller: A man true to himself, his friends, his country, and his God.

Mr. Weller.

I thank you, gentlemen, sincerely thank you, for the very complimentary sentiment which has just been drank. The honor is the more highly appreciated, as it comes from those who have known me in the personal and social relations of life. The position which I occupy as the representative of our State in the Senate could afford me neither pleasure nor honor, unless I enjoyed the confidence and respect of my constituency. The praise of strangers might give me a momentary pleasure, but the approbation of those who have known me long and well, carries joy and gladness to the heart.

We are some six thousand miles from our homes; and because of this and our isolated position, when we meet here we meet as brothers. We have that feeling for each other which the soldier bears towards those who have been associated with him upon the field of battle, or in scenes of trial and danger. Most of us have shared in the hardships incident to the settlement of a new and distant land, and our meeting around this festive board could not be otherwise than pleasant:

> "For, in the varied scenes of life,
> Is there a joy so sweet
> As when, amidst its busy strife,
> *Some kindred spirits meet.*"

We have, my friends, reason to be proud of our adopted State. The rapid progress we have made in developing the inexhaustible resources of our distant home, has attracted the wonder and admiration of the world. A country, which ten years ago was scarcely known on this side of the continent, occupied by Mexicans and Indians, is now the happy home of four hundred and fifty thousand gallant, industrious and enterprising Americans. At the last Presidential election, although the youngest in the Confederacy, we compelled *nineteen* of our sisters to take a position in our rear. The rude cabins and wretched hovels of the natives have disappeared, and cities and towns, teeming with commerce, have sprung up, as if by magic, in their place. A city of sixty thousand inhabitants, distinguished for the energy and enterprise of her citizens, distinguished for her churches and her schools, her intelligence and refinement, now stands where, but yesterday, nothing but a few miserable tenements of unburnt brick could be found. Then a few vessels employed in whaling and trading in hides were occasionally seen in the waters of the magnificent bay of San Francisco. *Now* we have splendid ships proudly displaying the flags of every civilized nation upon the face of the earth, and, in the amount of tonnage, equal to almost any port in the United States, save New York. Our seat of government is located upon the field where, less than ten years ago, Captain Sutter cultivated his wheat with Indian labor, now containing about fifteen or sixteen thousand inhabitants. Splendid churches and magnificent edifices have been erected where the Indian wigwam but recently

stood. More than four hundred and fifty millions of gold has been extracted from our soil, and the work has just commenced. These rapid changes have taken place under your own eye, Mr. President, for you were one of the active and efficient members of that convention which shaped and formed our fundamental laws, and spoke a new State into existence.

We say to our friends in the older States, give us good roads across the continent, and protection against the Indians, whom your policy has placed between us, and soon California will rank amongst the first in the Confederacy. Give the hardy and industrious men of the older States, who are now pressed by penury and want, an opportunity of reaching us in safety, and our ever-verdant valleys will soon be made to bloom and blossom as the rose. Then in that golden land they can soon surround themselves with all the comforts of happy homes. Give us a rail-road across our own territory, and who can predict our future greatness!

We love our adopted State; we love her genial health-giving climate, where the fruits of the South grow side by side with those of the North. We love her lofty mountains, her forests towering to the clouds, her rich and productive valleys, and her gallant and warm-hearted people. That wild fanaticism which occasionally sweeps over a portion of our country, threatening the permanency of the Government, finds no abiding-place with us. If any dissatisfaction may exist amongst us, it can be easily removed by bringing us closer to the centre, and allowing us to see our brethren here more frequently. We want to feel that we are united by affection, as well as the ties of interest. Give us an equal share in the blessings of the Federal Government, and my word for it, California will be the last to disturb the peace and tranquillity of the Union. You must strike from our memories the glorious history of our past career, and destroy all our brilliant anticipations of the future, before we can cease to love, honor, and respect that flag which is yonder so gracefully displayed. It is the emblem of our Union; and as it has never been disgraced or dishonored, we have reason to be proud of it. In the beautiful language of one of our own poets:

"What God in His wisdom and mercy designed,
And armed with His weapons of thunder,
Not all the earth's despots and factions combined,
Have the power to conquer or sunder!
The union of lakes—the union of lands—
The union of States none can sever—
The union of hearts—the union of hands—
And the Flag of the Union forever
And ever!
The Flag of our Union forever!"

But, gentlemen, I came here not to speak, but to participate in the rich repast which is spread before us. Accept again my thanks for your kindness to me on this as well as upon all other occasions, and allow me to give a sentiment which I know will be acceptable to you all. I give you the health of an able and efficient public officer, and an honest man—*The Secretary of the Treasury.*

Mr. GUTHRIE.

Mr. PRESIDENT AND GENTLEMEN: Festive speeches are not in my line. For more than forty years I have been dealing with realities at the Bar and elsewhere, and have no skill for occasions like this.

The Senator whom you have assembled to honor, and whose consistent and reliable course as a Democrat entitles him to the confidence of his friends and constituents, and, indeed, to the Democracy at large, has been pleased to allude to me in the most flattering terms. I must leave my life and the record I have made in the Treasury Department, to the indulgent consideration of my friends and country.

You, Mr. President, have referred in patriotic terms to the flag that unfolds its stars and its stripes over the entrance of this hall. That flag is consecrated by the blood spilt in our Revolutionary struggle, and is identified with our existence amongst the nations of the earth. When first displayed, it had thirteen stripes and thirteen stars in its folds. Kentucky, my native State and my home, was the fourteenth star added to the old thirteen. Many other glorious stars have been added since. California, the State which the Senator represents, is the thirty-first star and the last in

that glorious constellation; but there is room for many more. The lovers of equal rights and equal privileges rejoice as the constellation increases, because it is the flag of freedom. It is yours and it is mine, and, what is more, it is the flag of our Union. The intelligence and patriotism of our people have hitherto, under all circumstances, rallied to its support. It embraces in its folds both the old and the new States, and under its folds all have equal rights and equal privileges. Strike one star from that flag, and you destroy the Constitution and the Union of the States, and the future of the freest nation that has existed in the tide of time.

California, Oregon, and Washington, on the west coast, are separated from the Atlantic, Southern, and Western States by mountains and forests, yet, in our march to maturity, the intermediate space will be filled by new States, with representative governments, and new stars will appear in the folds of that flag. The railroad and the telegraph will soon conquer both space and distance, and give to the west coast the commerce, and secure the brotherhood, of all the States. California will soon learn the strength of a State is not in the gold picked up in her streams or dug from her mountains and valleys. Bounteous nature has given the west coast the plain, the hill, and the mountain, with a salubrious climate and a fertile soil, which, cultivated, will be more prized than gold. Then the west coast will yield cheerful, happy, and plentiful homes to millions upon millions of an industrious population, with ample means of free trade with all the States, and of an extended and civilizing commerce with all the islands and shores of the Pacific. You may be assured, when commerce and civilization shall be extended to the shores and islands of the Pacific, religion with its steeples, and liberty and self-government with the flag of freedom, will also be planted there.

Allow me to give you that better day for California and the west coast, with the hope that no star will be struck from that flag, and that its stripes will long remain the terror of the oppressors of freedom, and its stars the emblem of a happy and prosperous Union.

By the President. The health of the Hon. A. P. Butler—the enlightened jurist, patriot statesman, and chivalrous gentleman. Like the palmetto of his own loved Carolina, his heart is deep-rooted in its native soil, but radiating like the fibres of its evergreen leaves, his sympathies are with the wronged and oppressed of every land.

Mr. Butler.

Mr. President and Gentlemen: The time, the occasion, and the import of the sentiment just pronounced, and the spirit in which it has been received, have given me sincere gratification; and I shall not attempt in any set phrases to return you my thanks for it. I feel that I can trace to its source much personal kindness; but I recognise in it something more to enhance my gratification—a tribute to South Carolina; and, gentlemen, when you wish to touch my heart, you could not more effectually do so than by such a token of regard.

I pass from this to the occasion of your meeting, and it has in it, to my mind, something more than a festive tribute to your guest. It has in it the offering of friendship and just approval of a public man, who has not walked the theatre of an eventful period without making his mark. He has been for several years (treading through a process of trial and difficulty) the representative of one of the most extraordinary commonwealths that has ever been introduced into the history of the world—a commonwealth that has tributaries in its character, having many sources, to make a current of commanding interest.

I heard Mr. Calhoun once say, (in his usual marked language, conveying in a sentence the germ of history,) that the child was then born who would *live* to see settlements made on our Pacific coast, with a larger population than was now on the Atlantic, and with a civilization such as never heretofore had been contemplated.

Juvenal said that Rome had her Tiber mingled with the *Orontes:* I think we may say that *our Tiber,* with its various tributaries, making a current of *Anglo-Saxon* identity, will ultimately give character to the eastern Orontes; and that the sentence of the poet—

Jam pridem Syrus, in Tiberim defluxit Orontes

may be paraphrased—

Influit at Syrium nunc Tibris noster Orontem.

In this current are mingled the intrepid and sagacious enterprise of New England—the splendid and controlling adventures of New York—the undaunted perseverance of Connecticut—the daring and inspiring spirit of Maryland and Virginia, like ringing metal, becoming more pure by trial—the dashing and generous spirit of the South, asking only for a fair field and a clear sky; and, what swells the current with cumulative force, the uncalculating courage of the West, marked by a fertility of expedients in trials of danger and difficulty. These are elements of an undeveloped and eventful history. I will not, *to his face*, backbite my friend so far as to say he is the entire representative of all these attributes; for he might deny it and make a personal affair of it; but I will say, that his catholic spirit, his frank deportment, his manly bearing, his intelligent address, (and he has his share of it,) and his enlarged experience, have won my respect and regard; without bigotry, his mind is lifted above local prejudice.

But, gentlemen, I am transgressing: I give you—

California: Great *now*—greater to be; I think it probable she will soon want elbow room—and that she will ultimately whip China, and take possession of the garden of Eden as a new country.

By the President. Texas—once "*a Lone Star*," she now shines bright in the constellation of freedom. She showed California the way into the Union: California will never show her the way out of it. May the friendship existing between her enlightened and distinguished Senator and ours, but typify that iron bond of union which shall indissolubly unite the interests, sympathies, and affections of the peoples of both States.

Mr. Rusk.

Mr. President and Gentlemen: I have been taken by surprise. The sentiment just given—the kind reception it has met, demands a reply, and yet I confess I am at a loss what to say. The compliment paid my State she is well entitled to; that to myself is perhaps not so well deserved. I should probably speak of my friend, the Senator on my left, (Col. Weller,) to do honor to whom this banquet is given. Should I speak of him in such terms as my heart would prompt, and my judgment dictate, the warmth of the eulogy would cause him to blush; while those less acquainted

with the sterling qualities of his head and heart than I am, would pronounce it gross flattery. I shall, therefore, content myself by saying, that his recorded history is at once his best witness and most eloquent eulogy. That record, for its instructive wisdom, will be read with deep interest long after he and his present associates shall have passed from off the stage of action, proving that throughout his public career he has ever been moved by that first and highest impulse of the patriot's heart—love of country. Shall I speak of Texas? Her past history is before the world, and I feel sure her future will prove true to the glorious reminiscences of that past—marked by the same unfaltering courage, chivalrous gallantry, and loyal devotion in the cause of constitutional freedom. In every hour of trial, she will prove one of the main pillars of support of that Constitution to which all Americans yield the homage of the heart's deepest devotion. Shall I speak of California? That young giant of the far West, in tones audible to the dullest ear, is speaking for herself, telling a wondrous tale of rapid growth in all the elements of wealth, prosperity, and greatness, almost unparalleled in the history of States. True, she has recently exhibited some of the wild pranks and excesses incident to the warm blood and ardent temperament of vigorous youth; but I have every confidence, that in the days of her maturity, when she shall have sown her wild oats, she will turn those very energies to the earnest duties of national life, and yet become one of the balance-wheels of our complex political machinery, performing her appropriate duties with regularity and constancy. My own State opened the door to her admission, and feels a just pride in all that pertains to the development of her vast and varied resources. Shall I speak of the late presidential election? That is over: justice and political truth have triumphed, and it is not to my taste to indulge in too much elation over a success we had every right to expect from the intelligence of the people, as due to the correctness of our principles and the justice of our cause; nor do I regard it as generous continually to remind a beaten opponent of his defeat. Shall I speak of our Union? That depends for its preservation upon deeds, not words—and words are too feeble to bear the burthen of thought that would struggle for utterance upon such a theme. With many thanks for the kind partiality which has called me up,

allow me to close these desultory remarks by offering you a sentiment:

Our glorious Constitution—may it be perpetual.

By Mr. C. E. Carr. The health of the Hon. A. G. Brown, a statesman of ripe experience and indomitable energy; ever animated by the truest spirit of patriotism, and ever vigilant in promoting national interests. Carolina may be proud that she gave birth to such a son, and Mississippi that she claims him as her citizen.

Mr. Brown.

Mr. President and Gentlemen: While I respond, without objection, to the sentiment so handsomely offered by my friend over the way, you must allow me to say that a speech was not included in the bargain that brought me here this evening. Like my friends who have already spoken, I came to enjoy the creature comforts which all of us knew were to be spread with a profuse hand.

This is a California banquet in honor of a California Senator. Had you taken note of my past course, and been disposed to resent what some have called an injustice to your State, I should not have been bidden to this feast. When California asked admission into the Union, I thought it my duty to oppose her admission. I did so on principle, and in defence of what seemed to me to be solemn obligations to the Constitution and the rights of the States. My judgment now approves what I then did; but in my heart of hearts there is not concealed a sentiment of hostility to your noble State. She is in the Union, and I am proud of her. She is in the Union, and I would go as far to defend her rights or subserve her interests, as I would to defend the rights or subserve the interests of any other State in the Confederacy. Neither Texas nor California were supposed by many to have entered through the straight gate. But they are in, and palsied be the arm that would attempt to thrust them out. No brighter gems glitter in the diadem of our national glory. Texas on the Atlantic, and California on the Pacific, keep watch on the movements of the world; and while the older sisters take that repose which age renders necessary, these lynx-eyed lasses will descry danger, if it comes, while it is yet afar off, and by their timely warning arouse

the whole household to action. Texas is almost as remarkable for the fertility of her soil as California is for the richness of her mines; but if I were asked in what the greatest treasure of both consisted, I would say, in the dauntless courage and gushing patriotism of their people. If I did not owe my birth to South Carolina, and my success in life to Mississippi, I could almost wish that I had been born in Texas and reared in California. Of California I can say with truth, that while duty constrained me to oppose her admission into the Union, she has in my judgment conferred more substantial benefits, and done it in less time and with a freer hand, than any State in the Union. I would reciprocate these benefits. In return for the stream of gold which she is continually pouring into our lap, I would send messages of fraternal love, done up in electric fluid and shot with lightning speed along the telegraphic wires. I would, as soon as possible, bring our distant sister nearer home by throwing a railroad across the continent, and sending the iron-horse to bring her back to the paternal roof. These things can and will be done. But let me counsel you, my friends, to forbearance; be patient. By-and-by, at the right time, and in the right way, you will find yourselves linked to the older States by bars of iron and messages of love, like rivers of gold, pouring in continually upon you.

A railroad and telegraphic communication we must and will have; but we must have it without the "material aid" of this Government. I am not about to discuss the question; but I may at least say, on this occasion, that for a thousand reasons I shall oppose connecting the Government with these schemes. Such connection can only lead to embarrassments, political strife, long delays, and to final defeat. The Government, to the extent of its undisputed constitutional powers, may aid the work; this far it ought to go, but not one inch beyond.

I hope and confidently predict, that the future of California will be even more brilliant than the past. It has been sometimes predicted, that California will by-and-by become impatient of the restraints imposed on her by the Union, and that she will take the lead in setting up an independent republic on the Pacific. These are fearful auguries, and I hope they are never to be realized. California will be true to her allegiance, and I hope the older

States on the Atlantic will treat her with such affectionate regard as to make the connection between them a blessing to both and a burthen to neither. But I must say, that if at any time California, in the exercise of a sound discretion, and in pursuit of those blessings which are the gifts of God, shall elect, in her capacity as a sovereign, to quit the Union, no federal gun shall be fired with my consent to bring her back. I would deal out justice to her with a liberal and even with a lavish hand; but if she chose to quit the family, she shall go unmolested so far as I am concerned. This is my notion of State-rights. A Union that was founded in consent can never, in my judgment, be maintained by force.

It is fit, my friends, that you should in this and every other way honor your gallant Senator. Whatever may be thought of him at home, it is, I am sure, the judgment of all his peers that he has been to California a faithful steward. No interest of hers has suffered in his hands; and on the slightest intimation that her rights were in jeopardy, his eloquent voice has rang like a bugle through all the alcoves of the Senate.

Your Senator, my friends, is present, and I shall on that acccount forbear to speak of him as he deserves. We came into Congress together seventeen years ago, (I may say that, as we are both married, and there are no ladies present,) and I have known him intimately and well ever since. If California would honor herself, she may do it effectually by re-electing John B. Weller to the Senate of the United States.

But, gentlemen, I am detaining you. In the midst of these festive scenes, and while the wine-cup passes merrily about, let us not forget that there is one afar off, dearer to our honored friend than this, than these, than all—one whose eye will watch his coming, and grow brighter when he comes. I give you, gentlemen—*The health of Mrs. Weller.*

By the President. The health of the Hon. C. C. Clay, Jr., the youngest member of the Senate, but, like Pyrrhus, uniting in his single person the gallantry of Diomedes with the wisdom of Nestor, he is ever ready to protect private rights, to promote public interests, and avenge national wrongs.

Mr. Clay.

Mr. President and Gentlemen: I did not come here with any expectation of being called out in a war of words; much less did I anticipate any response to so flattering a challenge as that which has been offered. It is so unmerited and unexpected, that I am wholly unprepared to answer, in a manner worthy of my challenger, or of our mutual friends who are here assembled. The prodigality of his kindness and partiality has quite disarmed and overpowered me. He has put me *hors de combat* at the onset. Nothing sustains me, in this unequal contest, but the consciousness that I am in the presence of friends, and that the chief of them, on this occasion—he whom we have met to honor—is the real person to whom the incense of praise is intended to be offered. For his sake I could almost endure to be suffocated by the fumes of the censer.

His devotion to his friends entitles him to their untiring and patient fidelity under all circumstances and in any emergency. His devotion to his constituents entitles him to their grateful plaudit, "Well done, good and faithful servant," and to the highest rewards they can bestow. Few men could have achieved as much—none could have striven more—for the interests of California. Standing alone as her representative in the United States Senate during this Congress, he might safely challenge a comparison of his works, in behalf of California, with those of any Senators in behalf of their State. I might, in proof of this assertion, designate the measures originated and carried by him through the Senate, intended to facilitate the intercourse, harmonize the interests, and consolidate the union of the Atlantic and Pacific States, and to develop the great and growing resources, and magnify the prodigious wealth of California. But these are matters of history, attested by the record. That he has lost nothing by non-claim that is due to his State, even his enemies (if he have any) must concede. The only complaint preferred against him by his peers in the Senate, is, that he claims too much. He has

been guilty of a venial error, one that leans on virtue's side; that of asking (in the opinion of some of us) more for California than her just share. That she has not gotten all he asked, has been owing to the present complexion of the House of Representatives. His eminent success is attributable not merely to his vigilance, industry, and ability, but, in a great degree, to his catholic political sentiments, and his expansive patriotism.

Without any sectional bigotry or ill-judged fanaticism, and, with the fullest appreciation of the rights of the States and of the people, his policy has not been narrowed by lines of latitude or of longitude, or been marked by selfish partialities or unjust prejudices. Coming from beyond the Rocky Mountains, from the distant shore of the Pacific, he has not been the advocate of the North or the South; but the impartial judge in their unfortunate contest. If his history had not been familiar to the people of Alabama before I met him; had he been a stranger, unknown to fame, I should have been at fault to designate the place of his nativity and of his education. My fond hope is, that California and the nascent States of the Pacific slopes may continue to send, as their representatives, in the Federal legislature, such men as he and his colleagues, and the delegates of Oregon and Washington: men who will *be just and fear not*—who will aim at no other ends than their *country's, God's, and truth's*.

In conclusion, I will offer you a sentiment, in all sincerity; one which comes from the bottom of my heart, and not from the mere surface of my lips.

California—Her auriferous lands can produce no fruitage of more sterling worth than the Exotic from the Buckeye State; in entrusting to him her dearest rights, she has done well in the past; in the future she never can do better.

Mr. Bradford.

I rise, Mr. President, to propose the health of the junior Senator from Michigan. It is a source of regret to all here, that General Cass, the senior Senator from that State, and veteran statesman, is absent upon this joyous occasion. But, sir, in his colleague we recognise an able champion of the Michigan Democracy, a sterling gentleman, and an honest man. We, of the extreme west, who

are fresh from the scenes of a victorious party in California, regret—yes, deeply regret—that the State from which our friend hails was surrendered lately to our political foes. But, sir, we all hope—nay, the country demands—that this surrender shall be temporary; and, in proposing the health of the Hon. Charles E. Stuart, I may be permitted to request that he will tell us something about the prospects of the Democracy of Michigan.

Mr. Stuart.

Mr. President and Gentlemen: Like others who have preceded me, I can with truth say, that in joining with you on this occasion, to pay a tribute of respect to your distinguished Senator, I did not anticipate making a speech. But, sir, the very flattering terms in which my adopted State, my honorable and distinguished colleague, and myself, have just been alluded to, seem to demand of me some response.

My worthy friend, Mr. Bradford, desires me to tell you something of the Democracy of Michigan and our prospects. It is known to you, Mr. President, that the party calling itself Republican carried that State by nearly twenty thousand majority.

Whether the Democrats there will be able to reclaim the State, is one of those problems lying in the future, and which time alone can solve. But, sir, adopting the sentiment and courage of a gallant hero, "we can try."

And when it is remembered, that it is only about three-quarters of a century since our fathers, representing a few feeble colonies along the Atlantic, with a vast continent behind them, whose extent and characteristics were then unknown, laid the corner-stone of a nation, whose people, by their energy, enterprise, and perseverance, have crossed that continent with their settlements, covering it with all the emblems of civilization and refinement, and that they now, sir, from your State and the adjoining Territories, look out over the Pacific, whose waters float their commerce, toward the continent of Asia; we are inspired with a renewed confidence in those great principles of Democratic truth, a firm adherence to which has produced such mighty results; and believ-

ing that what man has done man can do, we hesitate not to assure the Democracy of the far west, and the whole Union, that the gallant Democrats of Michigan will recover their ascendancy in that State, and bring it once again into Democratic line.

It has been well and wisely said, sir, by the distinguished Secretary of the Treasury, that we have much to fear from our unexampled prosperity. This is a great truth, sir, and lamentable as it is true.

Yes, sir, in humiliation we must confess, that were we this day borne down with taxation and poverty, we should have neither time nor inclination for finding fault with each other. And thus it seems, sir, that the prosperity of nations, like that of families, too often hazards domestic peace and safety.

But, sir, as in families so among States, the remedy lies in conciliation, kindness, and mutual forbearance; in avoiding all which can aggravate, and giving heartfelt expression to all which can endear them to each other:

> By being to their faults a little blind,
> And to their virtues ever kind.

By one of those changes incident to political life I was deprived of any participation, sir, in the admission of California into the Union. It may not, therefore, be improper for me to say, that had I been then in Congress I should certainly have given my vote for that measure.

There were, in that instance, sir, both the requisite population and imperative necessity. And, before these considerations, sir, all notions of mere form and regularity of proceeding, when legislating on such questions, must and ought to yield to the far higher considerations of public good and public necessity.

But, Mr. President, brevity, while a virtue generally, is especially so on an occasion like this. Permit me, therefore, to conclude by saying, what in any other connection might seem egotistical, that I claim some knowledge of those feelings of gratitude which pervade the heart of him who has received the highest honors from an adopted State. And well, sir, full well, do I know your honored Senator and distinguished guest. We have served, sir, for years together; and to his industry, energy, great ability and high

sense of honor, my testimony, though in his presence, must be here cheerfully given to you, his constituents and friends. Of him and for him, then, sir, I hazard nothing in saying, that

> "The bridegroom may forget the bride
> Was made his wedded wife yest'reen,
> The monarch may forget the crown
> That on his brow an hour has been,
> The mother may forget the child
> That smiles sae sweetly on her knee,
> But 'he'll' remember *you* 'my friends,'
> And all that *you* have done for 'him.'"

By the President. KENTUCKY—Like the gushing streams that unite on her borders and form the mighty river which flows on resistless to the ocean, the valor, energy and patriotism of her sons have ever shone conspicuous where sufferings were to be endured, dangers encountered, and victory won in the cause of freedom.

Mr. THOMPSON.

Mr. PRESIDENT AND GENTLEMEN: The beautiful compliment which has just been paid to Kentucky, the kindly spirit in which it was conceived, and the generous enthusiasm with which it has been received, demand an acknowledgment I should in vain endeavor to express in words. Could I embody that which is most within my heart; could I give my thoughts expression and throw my feelings into words, I would speak; but, as it is, my thoughts are voiceless, save for the utterance of the simple heart-felt emotion that I thank you—thank you in the name of all the sons of Kentucky—*the living and the dead.* Yet I will add, that from no State, and from no people of any State, can expressions of regard and commendation be more acceptable to the people of Kentucky than from the people of California. Both peoples have, in fact, been the pioneers of perilous and daring enterprise, carrying forward the school-house as the Israelites did the ark, building the log cabin on the site of the Indian wigwam, and rearing the unpretending meeting-house, but yet the temple of the living God, in places where the wild savage once had altars red with the blood of victims sacrificed in superstitious rites to their idol gods.

As has already been said, Kentucky was the first new State added to the American Confederacy; and her bold hunters were the first pioneers into the western wilderness, driving back the wild beast of the forest and the still more savage Indian to their lonely lair. California is the last which has joined our glorious Union; and those of her hardy and enterprising settlers who penetrated the gorges of the Rocky Mountains, scaled their rugged heights, forded the deep and rapid rivers which interposed, and made good their way over the long and weary plains, till they reached the slopes of the distant Pacific, first saw the bright waters of the boundless ocean, and first heard the wild music of its waves as they rolled in and crested with glittering spray the rock-bound coast of California, can well and truly appreciate the dangers, sufferings and privations which they endured who first settled in the "backwoods beyond the mountains."

But, Mr. President, I, as others have said, came not here to make a speech, nor yet merely to enjoy the creature comforts so profusely spread before us, but to manifest, by my presence, my high esteem and regard, and my full appreciation of the merits of the distinguished Senator, to honor whom this banquet is given. I, sir, have known your Senator long and intimately in private and in public life, in peace and in war; and, in all truth and sincerity, I can say, if God ever made a man with a kinder heart, more honorable, patriotic and chivalrous spirit than John B. Weller, I never knew him. Gentlemen, permit me to give you—

California and Kentucky—Alike in the perils and hardships of early settlement, may their future of honor, glory and prosperity, be of equal and similar destiny.

By the President.

Tennessee: In her bosom are the graves of Polk and Jackson. To the first we owe the acquisition of California; to the latter, the preservation of the Union. While Tennessee shall protect the graves, California will revere the memories and maintain the principles, of the illustrious dead.

Mr. President and Gentlemen: The manifestation here this evening does more substantial honor to the distinguished Senator from California than his *election* to the Senate of the United States. I once had a notion of going to California myself, but

the people of my district allowed me to come to Congress—whether properly or improperly, is not for me to say. I have come in at a late hour, and did not expect to be called up, and will therefore only give you—

The future of the Golden State of California—may she be represented by *two* Senators whose *combined* zeal, patriotism, and ability, may equal that of the Hon. JOHN B. WELLER.

By Mr. Duval. The health of the Hon. PHILEMON T. HERBERT, he has been vigilant and faithful in the discharge of his duties as a Representative of California, and those who know him best, will esteem him most for his many excellencies of character.

Mr. HERBERT.

Mr. PRESIDENT AND GENTLEMEN: I thank my friend for the kind expression of his regard, and in response can only say, that however much I may have failed in the discharge of my public duties, however much I may have fallen short of the expectation of my friends and my own hopes and aspirations, I have knowingly neglected no wish of my constituents, or negligently let pass any opportunity to subserve their interests. No man owes more to his constituents than I do, and no man is more proud of the evidences of their confidence and regard. Dear as was to me the land of my birth, the home of my childhood, and the grave of my sire, I love my adopted home with a heartfelt devotion, and palsied be my tongue and unnerved my arm, when I fail to speak or strike in her defence. But after the many beautiful compliments which have been paid California this evening, what can I add in commendation? and yet I would rather hazard a failure in speaking her eulogy, than at this time, and on this occasion, weary you with complaints of the indifference and neglect which have been shown on the part of the General Government in bestowing upon her the same bounty which has been granted to other, and, I might say, less deserving sisters. Yet, in candor and truth, I must admit, that neither the indifference to the real interests, nor neglect of the just claims of California, has been because those interests have not been properly appreciated, or those claims fully acknowledged, but because, having been born

with a golden spoon in her hand, it is said, she ought to feed herself. Yes, gentlemen, California may well be called the Golden State; for she boasts not only of her bright skies and health-giving climate; of her magnificent mountains, teeming with mineral wealth; of her fertile valleys, laden with the richest fruits; but of fair daughters and noble sons, who will compare with the brightest and best of any other land or clime. No State in this Confederacy can show a younger, more active, more intelligent, more enterprising, and more chivalrous population: a people whose adoration of the flag above us is only equaled by their devotion to the Union. And if evidence of their indomitable courage be required, I would point you to the gallant Walker, who, with a handful of chivalrous spirits, chiefly rallied in California, and armed in the cause of liberty, has successfully combatted against a force of ten or twenty times his numbers, and, within less than two years, bids fair to establish, in that sunny clime, where the orange ever blossoms and the figtree is ever green, a republic, which, modeled after our free institutions, will regenerate a people now groping in the unhallowed gloom of religious fanaticism, and make them, in the fulness of time, our friends in peace, and our allies in war, against the combined tyrants and despots of the Old World. But, gentlemen, I trespass on your indulgence, and will conclude by giving you—

Oregon. Although some may think "California did not come into the Union by the straight gate," may Oregon be soon brought in by a straightforward "Lane."

Mr. Lane.

Mr. President and Gentlemen: Waiving the complimentary notice of myself by Mr. Herbert, I take great pleasure in acknowledging my indebtedness to him for his kind and generous allusion to Oregon. The allusion was doubtless the more earnest and cordial, and certainly not the less welcome, that it comes after such an exhaustion of other topics as to require this change of *venue*, in order to maintain the tone of the occasion.

I have listened with very great pleasure to the chaste and beautiful observations of the president of the day; I have been delighted with his eloquent and happy apostrophe to that glorious star-spangled banner—the flag of our Union! He has reminded us that the star last added to that bright and glorious constellation of independent and free States was the pactolean sovereignty of California—the sole State upon the wide-spreading coast of the Pacific. Sir, that proud banner, so gracefully overhanging us, envelopes within its waving folds no star to give assurance to the world of the existence of Oregon, or to remind us that she belongs to, and forms a portion of, our confederacy. Nor is it alone upon that field that the fortunes of our people seem to be ignored. I regret that candor compels me to declare, that our people keenly feel that in the present Congress their just claims to aid, protection, and the fostering care of the Government, are overlooked, and the existence of Oregon is almost as blank as I have said its recognition is upon the foldings of that flag. And yet, sir, that flag never floated over any people more devoted to the Constitution and the Union than are those whose interests have been thus neglected and disregarded. Patriotic, brave and chivalrous, as they are, "patient in long suffering," with unswerving devotion to the Union, they look anxiously forward to the termination of the period of their minority, when in the strength of their political manhood they will ask to add another, if not a brighter, star to that constellation. Then, Mr. President, in our loyalty to the Constitution, to the Union, and to the rights of the States, we shall render the existence of Oregon a "fixed fact," and in the substitution of the claim in lieu of vain solicitation, cease to know the interests of our people uncared-for and neglected.

Mr. President, it was not my purpose so to speak of Oregon, nor should I have done so but for the fact that the subject loomed up in advance of what I meant to say of him whom we have met to honor, and it is, you know, our nature to give first utterance to that which springs uppermost in our minds. You, who have preceded me, have cordially and well spoken of the eminent services of your noble and gifted Senator, Colonel Weller. He is well worthy of your eloquent commendations of his personal and political integrity, genius, courage, and patriotism. As the sole

representative in the United States Senate of California, and indeed of our entire Pacific coast, embracing a district of country from the thirty-second to the forty-ninth parallel, he has won the welcome plaudit, "*well done thou good and faithful servant;*" and as well in my own, as in the name of the people I have the honor to represent here, I tender Colonel Weller cordial assurances of our gratitude and esteem for his noble services in behalf of us and our interests as a people. Combining the essential requisites of a true representative of an intelligent and free people—integrity, fidelity, and ability—was the voice of Oregon heard in his behalf, Colonel Weller would, as he merits, be retained in his present position, an honor to the Senate, his constituency, and the country.

By Mr. Herbert. The health of the Hon. Miguel A. Otero, the faithful and efficient delegate from New Mexico. Such adopted citizens constitute a valuable portion of our acquisition of that rich and beautiful territory.

Mr. OTERO.

Mr. PRESIDENT: I feel, indeed, highly complimented and honored by the sentiment proposed by the gentleman from California, and I thank him heartily for it. I suppose, sir, that the honorable gentleman represents a portion of a class of constituency, such as I entirely have the honor to represent, and I look upon him as a colleague of mine, because we both represent what was once a Mexican territory. It is my honor and privilege, unworthy as I am, to represent a people foreign to your laws, your constitution, and your language, and, I may add, a conquered people. I, myself, have been twice conquered, once by your flag and another time by your kindness. That people, sir, admired your noble institutions, and the principles of liberty and freedom, that are at the foundation of this magnificent fabric, long before you acquired sovereignty over that country. They now love that flag which has been already so beautifully apostrophised by gentlemen who have spoken before me, and *you* cannot love it more.

I have heard the honored and experienced delegate from the Territory of Oregon complain bitterly of the utter regardlessness,

on the part of the General Government, towards the people and Territory of Oregon. Sir, when he, who has been always so successful in procuring for his people and country all that they can desire, complains, what then must be said by me, when absolutely nothing has been done on the part of our adopted country to promote the interests and safety of seventy-five thousand conquered people like myself. But, Mr. Chairman, I claim, and the people of New Mexico claim, and consider that the honorable Senator, whom we have come here to-day to meet and honor, because of his faithfulness to the interests of his State, and his patriotism as a statesman—we claim him as our representative. We look upon the representatives of California and Texas as ours, and are interested in the progress of all and every part of that country which was once Mexican territory, and I trust they will not forget New Mexico.

By Mr. Herbert. Professor ALEX'R DIMITRY, a worthy son of Louisiana, and true friend of Education and of the progress of civilization.

Mr. DIMITRY.

Mr. PRESIDENT AND GENTLEMEN: Like your distinguished guests at another portion of this board, [Messrs. Clay of Alabama, and Rusk, of Texas,] I had no thought that, in a social gathering of friends and admirers of one who has made his proofs in more than one field of usefulness, I could be expected to do more than share in the genial festivities of this scene, dignified by a tribute of respect due to acknowledged merit. After, however, paying my share of that tribute in all sincerity, and acquitting myself of my quota of duty—and "yeoman's duty" it has been—in working through this Lucullan feast; I find, Mr. President, that the partiality of a friend [Col. Herbert] compels me, like Armado in the play, to have recourse to "the bread-basket of words."

And now, Mr. President, though mine would seem, on this occasion, to be, by virtue of the toast, naturally due to my native State; still I prefer that they should be more pleasingly, and, I am sure, less selfishly devoted to speak of California, a State honored

by the allegiance of so many good men, and eminently so by the signal merits of her representative on the floor of the Senate.

Indeed, sir, there is something of more than common moment in the existence and prosperity of the young, but vigorous, State which you, and other friends around me, claim either as the scene of your former labors or the seat of your future interests. In one respect, and in that one only, I feel certain—like the Tyre of old, which "sat upon many waters"—she is a wonder to the world! A wonder which has made a truth of the fables of ancient times; whilst it has done away with the necessity of those gods who, by their magic power, reared up cities and states in one day—an expeditious process of building, the secret of which had been lost to the world till again discovered by the ingenuity, and again applied by the energy, of Americans to the dwellings of men on the wild Pacific coast!

And yet, Mr. President, wonderful as have been the prosperities of your State; great as may be the astonishment of the world at its unfailing harvests of gold; there is something more interesting and more absorbing than the yield of the harvests or the story of the prosperities. The name of California, borne on the wings of the four winds of heaven, has gone to all the quarters of the globe, from the humblest hovel to the more aspiring mansion. It was whispered to every grade and occupation in the various walks of life; and out of every grade and occupation the influence of that name has gathered some representative, and led him to her rich fields, for every exertion and toil—it may have been for hardship and suffering—but eventually for triumphs, before the splendors of which will but faintly glimmer the successes of the past!

The world, Mr. President, looks on your State in amaze. It once looked upon a territory which, for three centuries, the unprogressive Spaniard held in useless fee, and which he yielded to the equally useless mastery of the indolent Mexican. It looked at it with the almost visible foot-prints of the great Conquistador still upon its face—that territory, the importance of which the ambition of Cortez had foreseen, but which even his sagacity had failed to improve. It looked upon it, gradually yielding to the utter savagism of untutored life, through the inertness of Mexican rule.

Thus, Mr. President, may the world have looked upon it once; but how is it now, sir? *Novus nascitur ordo*—in the ever-moving cycles of human destinies, a new order of things has revolved. In the shadowings of providential ends, the motives for which may be hidden from us, though the results must be seen by all; the world looks upon California as a portion never to be sundered from our political inheritance. It looks upon her as ours, and doubly ours—ours by the might of conquering arms, and ours by the sanctions of civilizing intellect. It looks upon her as a sovereign State, taking rank among the most prosperous of those with which we are dotting the continent, under the ægis of a constitution, adopted just about a time when, so little of her condition was known, that the *savants* of Europe were discussing whether she was an island of the Pacific!

But whilst the world looks thus upon her, admiring her for the gigantic strides which she has taken in the career of progress, applauding her daily efforts to master the elements of evil which inevitably gather around the rudiments of communities such as she has been, and to build up in their place all the moralizing influences which are destined to set her as high, in the social family, as she stands in the productive world; I view her, as I have done for the few years of her existence, with a better and a higher hope, which tells me that, although her rise and growth bear the date of yesterday, she is teeming even now with the promises of centuries. When she will have fully asserted her claims to the fostering care of the Government, and when a wise legislation shall in her interests have embodied those of the whole country, then will new avenues of prosperity and power be opened, through the gorges of the Sierra, which the daring of her hardy sons has successfully marked out as the highway of future empire!

It were almost a truism, Mr. President, to say that the system of railroads, completed and contemplated, not only in our country, but also over the world, is a great frame-work in which the destinies of modern civilization are embraced. But we cannot dissever our navigation lines from our lines of railroads; these two great systems are to be balanced along our continent, as circulation and locomotion are balanced in the human system. He is but a short-sighted statesman, who does not heed the inevitable destiny of our coun-

try and race rooted in the soil of California, and connected with the Pacific slopes, where you, Mr. President, have so properly placed the cradle of a new civilization. I see it, not so much in the miracles of industry which you have wrought—in the churches which you have consecrated, and the schools which you have established; nor yet in the daily conquests which you achieve over material nature, compelling her unceasingly to yield to your energy the buried treasure, which centuries upon centuries have bosomed in the stream or locked up in the mountain; but I see it in the execution of an original, providential law, of which we are the necessary instruments.

It were a serious error to admit that the book of progress is written out to its last page. The highest type of civilization—that which we now enjoy—is the result of many preceding types. Still there is, I trust, a better one to come. In our own country, lying between Europe and Asia, on your own soil, sir, is the seminary of the future civilization of nations and tribes which have not even dreamed of the word. Its work will be carried on by the migrations and lodgments of the more daring races, which even now continue all but unobserved. Ay! sir, nations and races never utterly perish, though they may be displaced. Not, however, as in the past, is the work performed in long and weary ploddings by the shores of oceans—along the valleys of streams, or the gaps of mountains—but daily, almost hourly, under the heave of the steam-engine from across the Atlantic—under the pantings of the hoarse-breathing locomotive, from every corner of the land, is this untiring traveller of thousands of years making his onward way! As science has noted a magnetic current running from the north to the south; so has history recognised a living, human current trending from the east to the west, in the pathway of the sun. It is, and it has been, the law since the great dispersions of mankind. If the East sent us the elements of civilization from the ranges of the Himalayah; the West is now about to restore it in enlarged measures to the East.

This great race of civilization, gentlemen, is not near its close. The puny attempts of little men cannot unmake the laws of God, or crush the instincts of mankind. Survey the geography of our country—mark the wonderful adjustment of its mountains and

valleys, its lakes and streams, and, in that magnificent system of distribution, mark also the seats of successive cities, growing and clustering into magnificent States. These broad fields of ours, which in now unimproved extent intervene between our Atlantic and Pacific possessions, will swarm with the contributions of Europe—nay, of Asia itself, until ours becomes the crowded continent. And when our Kansas and Nebraskas, our Oregons and Californias, shall have been stocked to excess, the line of march will again be taken up—over the waves of the Pacific—along the islands of the Archipelago; the American bearing his peculiar notions and ideas even to the continent of Asia. Leaving in each footprint of his, the seeds of American civilization, he will press onward until he plants a conquering foot on the very clay, out of which the hand of God fashioned the first man to be, at once, the proxy of his power and the instrument of his designs!

Mr. Dobbins.

Gentlemen: Allow me to offer you the health of one who, although absent in person, yet he is with us in spirit—a man whose efforts, it mattered not whether as the military subordinate, fighting the battles of his country on the Northwestern frontier in 1812–'13, or as the Cabinet officer here in Washington; whether as the Governor of a Territory or a United States Senator; whether as the Commissioner treating with the Indian tribes of the Northwest, or the Plenipo-diplomat treating with the nations of Europe, have ever been directed to the elevation, the protection, the honor and glory of that flag, (pointing to the American flag,) either afloat or ashore. And if he has a fault, *if fault it be*, it is his over-zeal in that good cause; and I might say, it would further appear, his motto has ever been: "My country if right; but right or wrong, still my country."

I give you, gentlemen—

The health of that veteran soldier, statesman, and true American citizen, Gen. Lewis Cass: The history of the nation is his record; every American citizen should be proud of it.

By the President. ARIZONA AND OUR OTHER TERRITORIES—May they soon become sovereign States: Like the virgins who entered the race of Grecian games, passing on in succession the sacred torch unextinguished till they reach the altar of Liberty!

Mr. COOK.

As I perceive no one around me to respond to the sentiment just given, although coming from an embryo Territory, I will endeavor to perform the task to the best of my humble ability. By the unanimous voice of the people, I was called on to undertake a journey of six thousand miles to present to Congress their grievances and their necessities, and to ask that civil and military protection which as American citizens they have a right to claim, to which they are entitled by every principle of justice, and which is established by usage and guarantied by treaty.

While California is to this nation what the head of gold was to the image as seen in the vision of Nebuchadnezzar, so is Arizona destined to be the breast and arms of silver; and as in the physical body the head is the seat of will, so California governs the commerce of the other States, and dictates the laws of trade; and as within the breast is contained the seat of life, propelling the vital fluid through every ramification of the system, so is contained within the boundaries of Arizona those latent elements of wealth, which at no distant day will give impulse to the commerce of the world. I am unable to stretch my imagination so far as the honorable Professor who has preceded me, and to discern what the Anglo-Saxon race will accomplish in the Old World; my vision, piercing westward to what was of old the Eastern World, is reflected back by the placid waters of the Pacific, and rests for a field of future development upon what is now our own land of Ophir, taking in with a prophetic glance our sister Republic of the south, whose destiny will, I believe, be hereafter indissolubly wedded to ours!

It is no vain or foolish imagination which leads me to believe that a country pregnant with all the elements of wealth, and possessed of a climate healthful and lovely as that of classic Italy, lying adjacent to this empire of freedom, and open to American enterprise, must sooner or later throw off political misrule and ecclesiastical oppression, and join us in the march of progress as an integral part of our great Republic! In viewing the rapidity

with which we have acquired territory, and in contemplating the course of that tide of civilization and enlightenment which the impetus of our early colonization has sent forward, it needs no prophetic vision to discover that the whole of Mexico must be ours. Destiny has willed it; and He who "holds the waters in the hollow of his hand" has decreed it!

I did not rise, however, to enter into a disquisition upon the destiny of American institutions, nor to boast of the value of my own Territory, but to acknowledge gratefully a compliment. Permit me to give, in conclusion—

California—The Golden Head of our National body.

By Mr. Dobbins. The Pacific Railroad—The iron shackle which will ere long bind the Atlantic and Pacific States in social and commercial intercourse. And when that great work is completed, may the door of discord be locked and the key lost.

By Major W. M. Irvin. The health of Commodore Thomas Ap C. Jones—Others may claim the conquest of California, but history will tell that he first *"pitched in,"* taking Monterey, as the telegraphic despatch sometimes travels, *a little ahead of the right time.* May he soon be called back to active duty, and to the position to which he is entitled for his long and meritorious services.

By the President.

"Honor to Woman! To her is given
To garland the earth with the roses of heaven!
All blessed, she linketh the Loves in their choir;
In the veil of the Graces her beauty concealing,
She tends on each altar that's hallow'd to feeling,
And keeps ever-living the fire!"

By Mr. C. E. Carr. The health of our worthy and esteemed President: We return him our thanks for the grace and dignity with which he has presided on this joyous occasion.

Mr. Steuart.

I thank my friend for the kind sentiment just given, and especially our distinguished Senator, for the complimentary allusion he made to the humble part I took in the formation of the constitution of the State of California. This is not the time or occasion, or I would gladly avail myself of the opportunity, in such a presence, to vindicate the motives and action of that convention from

much misconstruction and misrepresentation. But, gentlemen, while up, permit me to add a word to the eulogium which has already been passed upon the distinguished Senator from Michigan, whose absence we all must regret. It is not, in my apprehension, the energy and enterprise of his early life, his heroism in our Indian wars, or the bloody contests of that of 1812; not the high rank which he holds in the Senate; not the reputation he has acquired as a diplomatist, or his varied acquirements as a scholar, and acknowledged abilities as a statesman, which have won for him the esteem and regard of his peers, and the entire confidence of his countrymen. But it is because in times past, as well as at the present moment, at home and abroad, in peace and in war, in every and all public emergencies, he has shown a zeal and devotion in the service of the Republic which could only emanate from a patriot's heart. Venerable in years, though vigorous in intellect, Lewis Cass stands as it were on the isthmus of life, his name associated with recollections of the past and hopes of the future. Looking to yonder capitol, we remember those glorious contests when mind met mind, and with all the force of reason and the subtlety of argument, intellect strove with intellect for the mastery, in devising and maturing measures of legislation for the honor, safety, and welfare of the nation. We remember that he was

> "One of that illustrious band,
> Beneath whose banners proud to stand,
> Look'd up the noblest of the land;"

And who, by untiring efforts to secure the peace, happiness, and prosperity of the people of the whole Union, won a nation's gratitude and the world's applause. Of these, three of the greatest, wisest, noblest, have passed away. The pure-minded, but genius-gifted and chivalrous Calhoun sleeps in the bosom of his loved Carolina; the memory of his virtues, as fresh in the hearts of his people, as the evergreen leaves of the palmetto which distil the dews of Heaven over his grave. The Great Pacificator, the illustrious Clay—life's fitful changes past—calmly reposes in the shades of Ashland, his tomb to be more than a Mecca shrine to patriot pilgrim while time shall last. And the mighty Webster, god-like in virtue and in intellect, lies entombed at

Marshfield, the lament of a nation for his untimely death still continuing, as mournful and eternal as the dirge of the ocean which rolls on, and will forever roll on, against its rock-bound shore! To have been at once the friend and rival, the ally and compeer in the forum and the council-chamber, of this noble triumvirate, and now in the evening of his days still to stand, "with armour on and lance in rest," pre-eminent among the most gifted and talented of his present peers, is a position of the highest honor and most enduring fame.

Since "laudari a viro laudato" is the highest possible commendation, I know not what higher tribute can be paid to the Senator whom we have met together especially to honor, than to present the following letter, selected out of many received by the committee from gentlemen invited to this banquet, but who, having previously accepted invitations elsewhere, and for other reasons, were unavoidably prevented from attending.

WASHINGTON, D. C., *January* 17, 1857.

GENTLEMEN: For some years I have found it necessary to decline all invitations to dine out, and I must therefore ask your indulgence for declining to join you at the complimentary dinner, proposed to be given to Colonel Weller by the citizens of California on the 22d instant. If I could be induced to depart from this resolution, it would be upon an occasion like the present, when my feelings and my judgment equally approve the measure. Colonel Weller deserves this token of approbation from his fellow-citizens; for he has served his State and his country with zeal, integrity, and ability during his senatorial term, and has acquired the respect and regard of the members of the high body in which he holds a seat. In these sentiments no one concurs more cheerfully than I do.

I am, gentlemen, respectfully, yours,

LEW. CASS.

W. M. STEUART,
M. DELANY,
W. W. DOBBINS,
A. C. BRADFORD,
C. E. CARR, Esqs., } *Committee.*

With the Compliments of
E. C. Winchell.

30

ORATION

DELIVERED BY

HON. E. C. WINCHELL

AT THE

NEW IDRIA QUICKSILVER MINES,

FRESNO CO., CALIFORNIA,

JULY 4th, 1867.

SAN FRANCISCO:
H. H. BANCROFT & COMPANY,
1867.

25,153

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ORATION.

Mr. President, Ladies and Gentlemen:

"The groves were God's first temples." The earliest worshipers of the Great Architect of the Universe, offered their matin orisons and sang their vesper hymns, amid the cloistered aisles of the sounding woods. And we, who have assembled here to-day, to offer our devotions to the divine Spirit of Liberty, could have found no more appropriate or magnificent sanctuary for the celebration of her accustomed rites, than this spacious cathedral, with its azure dome upborne on the pillared mountains, illumined by the golden orb of day, and the silver stars of night—where the united choir of wandering winds and gurgling waters, eternally chant the deathless songs of Freedom.

The divine Spirit of Liberty! Where does she dwell, and where is her chosen habitation? Is it in the mansions of the great; in the palaces of princes; in courts of royal splendor and imperial magnificence? Doth she surround herself with pride, pomp and circumstance, and ride haughtily abroad, with a glittering train of powers and potentates for her attendants?

Hark! she answers. From the over-arching depths of the blue empyrean, I hear a heavenly voice, as of a seraph from the portals of Paradise, "*Where the free dare to be, there is my home.*"

Yes! she bends over the broad Republic, and makes her abiding place wherever the heart of a freeman beats. She

breathes the "difficult air of the iced mountain top," and treads in peerless majesty, the loud resounding shore. She is found in the heart of the sleepless cities, and strays by the Susquehanna's verdant banks. Niagara re-echoes her footsteps, and the orange groves of the sunny South whisper their devotions, as she seeks their balmy shades. Along the wooded verge of the Father of Waters, among the granite crags of the Rocky Mountains, in the sunless gorges of the Sierra Nevada, and down deep in the gloomy abysses of those subterranean chambers, whence human skill and daring drag to the open day the hidden treasures of the earth, even there, and wheresoever the soul of a freeman burns, may be found the home and the favorite haunt of the Spirit of Liberty.

To-day she bids her sons rejoice and be glad. To-day she asks their devotions, their sacrifices and their clouds of incense, though a gentler queen never swayed a sceptre over the hearts of men. And no Imperatrice, however nobly born, or gorgeously arrayed, or regally attended, from the days of the Queen of Sheba, down to the age of Victoria and Eugenie, ever ruled a more devoted and enthusiastic people.

And in response to her commands, behold! the multitudes have hastened hither, and filled these sylvan tabernacles. Her praise is shouted by happy voices, and celebrated by the dulcet sound of melodious symphonies. And lo! the fatted calf is killed, and the devotional feast has been prepared. The air is gay with the gorgeous banners of her faithful followers, while the nodding mountains shake with the redoubling echoes of the festal explosions, and into the calm, blue ether of the arching sky, slowly rises the snowy column of incense, offered to propitiate the favor of the heaven-descended queen.

But not here alone is her worship observed. This morning's orient sky no sooner kindled with Aurora's torch, than answering flashes lit the Atlantic shores, and loud above the angry voices of the waves, shouted the deep-mouthed cannon to hail the advancing day. St. Lawrence heard the roar, and flung the echoes down to Rio Grande's stream. Landward the

reverberations fly, mingled with pealing bells, and straight the mountains answer to the sea. Across the wide expanse of Mississippi's vale, over the broad prairies and ancient solitudes, "leaped the live thunder," and burst those flashing fires, commingling with glad matin chimes and freemen's shouts of joy. Checked for a moment, by the central, snowy chain, the echoes gathered in redoubled force, and swept in crashing tumult down to the western sea, dying at last in triumphant murmurs, and blending with the mellow music of these Occidental shores.

But look! far, far away, on the broad bosom of the heaving ocean a gallant ship, with white wings spread, is swiftly speeding on her trackless way. As her top-gallant peak glows in the earliest sunlight, a striped and starry banner springs aloft, flinging its splendors to the breeze of morn, and cheer after cheer, and burst after burst of thunder, salute the glories of the Nation's flag.

And so the sound rolls on, and on, and on, over the waters and over the land, till every harbor is dim with sulphur-smoke and every island trembles with the din, and every continent throbs with hope or fear, in the majestic and ubiquitous presence of the Spirit of Liberty.

To unite with us in the festivities of this occasion, are gathered here to-day, the representatives of many foreign lands. Our nearest neighbors, the Mexican descendants of the Castilian race, with their cousins in blood, the sons of Chile, are here in force, in organized array, proudly bearing the banners which symbolize their nationality and their independence. We cannot deem it strange, if they unitedly rejoice at the overthrow of the empire so recently enthroned in state, in the Halls of the Montezumas. And while the history of the continuance and termination of that sanguinary struggle records events which all lovers of humanity sincerely deprecate, yet we may, perhaps, still indulge the hope, that the triumphant re-establishment of the Eagle and the Cactus, upon all the fortified places of the Republic, from the castle of San Juan D'Ulloa to the battlements of Mexico, may prove an

auspicious omen for that long misgoverned and unhappy people. Let us hail it as the dawn of a beneficent day, after a long and dismal night of discord and dissensions. Perhaps it may prove the day-spring of an era of healthy and genuine Republicanism, which shall be characterized by a steady advancement in arts, virtue, intelligence and national dignity, and when every cottage and palace in the land shall joyfully hear, and sincerely love, and eagerly join, the patriotic cry, "Dios y Libertad."

That far-off, matchless land of Tasso and of Dante, of Petrarch and Columbus, the nursery of arts and arms and song, has here, to-day, its representative, for whom the splendors of imperial Rome, the ravishing magnificence of wave-girt Venice, that

> "Sea Cybele fresh from ocean,
> Rising with her tiara of proud towers,"

—the music of her gondoliers, and the divine melodies of St. Peter's, have less attraction than the rude grandeur of these deep solitudes, and the simple songs of Liberty. Though thousands of weary leagues of land and ocean lie between him and the home of his youth, yet he freely exchanges the sunny sky, the purpled hills and balmy airs of Italy, for the untrammelled freedom of this stranger-land.

Here are, also, the sons and daughters of beautiful France who have left the laughing vales, the vine-clad slopes, the gay and glittering cities of that proud and peerless realm, the land of Charlemagne and Napoleon, to wander hither, and dwell beneath the banner of the free.

And here is the hardy Briton, ever the sturdiest lover of liberty, whose heart throbs warmly, as his thoughts fly back to the winding streams, the deep-embowered copses, the ivy-crowned castles of his English home. And musing on the storied past, the names of Wellington and Waterloo, of Trafalgar and Nelson, blaze in unsurpassed refulgence, upon his dazzled sight. Anon the ceaseless drum-beat strikes his ear, and he sees the cross of St. George, gleaming in splendid

radiance over the waters of every sea; and his soul warms with patriotic pride, as remembers that

> "Brittania needs no bulwark,
> No towers along the steep;
> Her march is o'er the mountain wave,
> Her home is on the deep."

Nevertheless, he has chosen to fix here his habitation, in "the land of the free, and the home of the brave."

And here is the exile of Erin. He has turned his back upon the green fields of the Emerald Isle. He has bidden a fond farewell to the brightest gem of the ocean, the land of eloquence and song, yet of sadness and of tears, the home of Curran, of Emmet, and of Moore, to gain, with many a lingering look behind, the lone recesses of this rugged land. He rejoices in the liberty which pervades the air, and, from his inmost soul, gives thanks to Heaven, for freedom. But a thousand tender memories swell his heart and dim his moistened eye. The magic power of Fancy brings the familiar scenes of youth before him, and his mournful spirit finds relief in song:

> "I have left Ballymornach a long way behind me:
> To better my fortune, I've crossed the deep sea;
> But I'm sadly alone, not a creature to mind me,
> And faith! I'm as wretched as wretched can be.
> I think of the buttermilk, fresh as the daisy,
> The hills and the fields, and the emerald plain;
> And oh! don't I oftentimes think myself crazy,
> About that young, black-eyed rogue, Norah McShane."

And here is the Scotchman, whose glowing love for the proud symbols of his nationality—for the thistle, the tartan, and the highland bonnet, death alone can quench. In imagination, he is transported again to the shores of Scotland, and stands once more upon his native heath. He sees Ben Nevis and the Grampian Hills, and the blue expanse of "bonny Loch Lomond," sleeping in gentlest repose, in her cradle among the mountains. He recalls the names of Bruce, of Douglass, and of Wallace, and dwells upon their deathless deeds. He listens, and the thrilling strains of the bagpipe seem again to fall upon his ear, and to mingle in the distance,

with the song of the clansman of Roderick Dhu. Hark!

"Hail to the chief who in triumph advances!
Honored and blest be the ever green pine,
Long may the tree in his banner that glances,
Flourish, the shelter and grace of our line!
Heaven send it happy dew;
Earth lend it sap anew,—
Gaily to bourgeon, and broadly to grow,
While every Highland glen
Sends our shout back again,
Roderich Vich Alpine Dhu, ho! ieroe!"

But the illusion fades; the vision and the song are ended; he finds himself far from the graves of his ancestors, an American citizen, reposing beneath the shadow of the star-spangled banner.

To all these diverse peoples, however widely variant their languages, manners and laws, the genius of American liberty extends a hearty and a cordial welcome; and the rights, privileges and immunities of American citizens, are freely offered to all of these who will accept the boon.

The love of freedom, like the spirit of hope, springs eternal in the human breast. Man longs for freedom, that he may be, and do, all that the Creator intended, respecting him. That he may live and move upon the earth, at his own good pleasure, in the unrestricted exercise of his almost infinite faculties and powers, and in the full enjoyment of the countless blessings and delights of life. And it cannot be denied, that perfect freedom is as necessary to the thorough developement of man's moral, mental, and physical nature, as the beneficent influences of the atmosphere which surrounds us, are necessary to the support and perfection of mere animal life.

The varied and multifold capacities with which Omnipotence has so richly endowed the creature Man, are wisely intended to increase his happiness. But the most efficient usefulness of those powers can only be attained, by their continuous and unrestricted exercise. The storm-rocked eagle, fearlessly facing the hurricane's wrath, would never soar to the sun, if not permitted to stretch his wings till the hour of

trial. The impatient courser would never reach the goal, victorious, if his first efforts were made on the appointed day. And in like manner, our race can never reach its loftiest destiny, until all the powers and faculties with which God has endowed it, have been fostered, strengthened, and developed, by the arduous and unremitting discipline, which a condition of perfect freedom alone can provide.

It must not be supposed, however, that the expression, "perfect freedom," signifies an unbounded license to do whatsoever the will of the individual may dictate. This would involve the necessity of allowing every other individual to do likewise, and would result in universal anarchy. But if all men regulated their conduct by the Divine Law, no other restraint would be necessary. Unfortunately for our race, however, the experience of six thousand years has unhappily demonstrated, that in every nation of the earth, and among all classes of society, the conflicting interests and stormy passions which agitate mankind, and give rise to violence, fraud, oppression, bloodshed and continual disregard of individual rights and privileges, demand for their restraint, the interposition of the broad shield of municipal law. The canons of divine authority require to be supplemented by human codes "commanding what is right and prohibiting what is wrong." These are prescribed by the supreme power of each state or nation, respectively. Hence arise, under a republican form of government, legislative bodies, charged with the duty of enacting such laws; and judicial and executive officers, upon whom rests the responsibility of expounding and enforcing them. Into these hands the people commit all their power, to the end that it may be beneficently exercised, for the promotion of the highest welfare and happiness of each individual. But there are constant and mighty temptations to the abuse of this trust. The possession of unlimited power is almost universally accompanied by acts of tyranny and oppression; and the very governments erected by the people for their own security, may become cruel engines of the most monstrous despotism, and the most hideous corruption. To

guard against such results, the genius of the American people has provided for restraining the hands of their law-givers, by setting forth, in written instruments called "Constitutions," the fundamental principles by which they are to be guided and controlled, and distributing therein, the various powers which are to be exercised by the different departments of government.

The National and State Constitutions of the American Republic, are, consequently, the chief bulwark and defence of our priceless liberties ; and are themselves to be protected from infringement and overthrow, by the sleepless vigilance and jealous care of the people. It becomes, therefore, the duty of every citizen of the Republic, whether native or foreign born, to acquaint himself thoroughly and understandingly, with the nature of the fundamental principles, upon which our system of government is founded. If the people are the sovereign, as is justly claimed, under our republican systems, they should make themselves intelligent, that they may, through their chosen agents, rule wisely, justly and successfully.

But intelligence alone, however general, will not suffice to preserve our republican institutions. The love of morality and virtue, and an abiding respect for the ennobling principles inculcated by the precepts of Christianity, must be firmly rooted in the hearts of the people. The surest guarantee of the perpetuity of the American plan of self-government, lies in the incorruptible character of the mass of the citizens of this Republic. Exceptions to the general rule of integrity can be found in every community ; but these do not affect its substantial accuracy, for the great majority of American citizens, north, south, east and west, are, as yet, governed in their private lives, and in their political actions, by their honest convictions of what is just, right, equitable, and conducive to the common welfare ; and thereby indicate a recognition of their moral accountability, to an Unseen and Overruling power. And so long as these sentiments hold dominion in the hearts of our country-

men, our free institutions must exist in all their pristine purity and vigor. For corrupt, base and designing men will attain official station, only in rare instances, and the noxious influences which exhale from their moral rottenness, will be neutralized by the active and imperishable principles of virtue and truth, incarnate in the forms of the honest, faithful and capable men, who are their colleagues in duty. And even if it should happen, through any inexplicable combination of circumstances, that the most, or all of the important official positions in the State and Nation, should be held by daring and unscrupulous incumbents, defiant of God, and regardless of their fellow-man, yet the unshaken integrity and incorruptibility of the people would eventually thwart the lawless machinations of their unworthy rulers, and bring their crafty designs of personal aggrandizement, and public ruin, to a sure and ignominious termination.

But if, on the other hand, a long and prosperous career, filling the land with wealth, luxury, ease, idleness, and vice, shall at last, slowly and inevitably, like a relentless cancer, eat out the vital virtues of the people, consuming their probity, integrity, honor and truth, destroying their love for, and pride in, their free institutions, and rendering them indifferent to all, save their private schemes of selfish exaltation and criminal indulgence, the downfall of our republican fabrics will speedily and certainly ensue. Rulers will grasp the reins of power, who excel in flattery, mendacity, dishonesty, and wicked ambition. Unrestrained by any inward monitor, unawed by any fear of future retribution, unchecked by any protest from their negligent and deluded constituents, the constitutional bulwarks which confine their insatiable rapacity will be, stone by stone, turret by turret, bastion by bastion, easily broken down and trampled in the dust, and nothing will remain to shield those God-given rights, the lives, liberties and happiness of the wretched multitude, from the capricious, cruel, iron despotism of ruthless and irresponsible tyrants.

To the possession of intelligence and virtue, the American

people must add the faithful performance of the duty of guarding the defences of their liberties with undying vigilance. So long as their Constitutions, State and National, are preserved to them in their original strength and grandeur, and so long as the servants of the people sacredly respect the supreme authority of these instruments, the inestimable boon of civil and religious liberty will descend, an unpolluted heritage, to the latest generations of their children. But it is well known to all intelligent observers of political systems, that power is constantly—though, perhaps, for a time imperceptibly—stealing from the many to the hands of the few. That, in defiance of the safeguards and checks devised by the jealousy and prudence of a freedom-loving people, to protect their rights and immunities from the encroachments of power, the symmetrical and massive ramparts of the Constitution may be, under one plausible pretext and another, by ingenious device and cautious stratagem, by the pretended pressure of necessity, or under the plea of progress towards a fanciful condition of social and political perfection, silently dismembered and dismantled, or secretly undermined, until they have been shorn of their strength and beauty, and naught but a shapeless and melancholy mass of ruins remains, to remind the enslaved citizen of his former state of independence and felicity.

To recognize the existence of this danger, and to watch untiringly against its approach, from dewy morn till silent night, from early manhood to life's latest breath, is the first and most sacred duty of every American citizen, whether native or foreign-born. He owes this duty to himself, to his children, to his fellows and to his country. He cannot lay it aside, nor trust another with its performance. Acquainting himself thoroughly with the nature and character of the guarantees which the Constitutions contain; fully cognizant of the rights thereby secured to himself, it should be the self-imposed task of even the humblest citizen, to guard with sedulous care and unswerving fidelity, each and every line and word of those instruments, from the unhallowed touch

of reckless demagogues and unbridled despots. Finding an impious hand laid upon the sacred ark of our political covenant, the concentrated wrath of a nation of freemen, like indignant lightnings from the sky, should smite the offender to a speedy political death, beyond the hope of resurrection.

Americans, in their excusable pride and enthusiasm, are often prone to claim for themselves, solely, the glory of having first enunciated, in distinct form, those grand maxims and principles of liberty which constitute the chief corner-stone of their temple of freedom. They forget that, under a great law of nature, nothing seems to be created and perfected at the same time. The great globe on which we stand—this broad and beautiful earth—was, in the beginning, "without form and void." And after it took up its grand march, to the music of the spheres, around the blazing pivotal sun, thousands and thousands of ages passed away before it emerged from its primeval state of chaos, and gradually became prepared for the purposes designed by its great Creator—crested with mountains, silvered with oceans, shadowed by forests, gilded and spangled with flowers, and, finally, consecrated by the presence of God-like man.

The homely fragment of carbon lay, rude and neglected, in the hidden gorges of Golconda, for myriads of centuries before the magic influences of Time endowed it with that lustrous radiance which adds splendor to the most gorgeous diadem of royalty, and which the matchless brilliancy of Beauty's flashing eye alone exceeds.

And countless centuries have passed away since, on the sanded floors of the ocean, were laid the first foundations of those enchanting coral-islands, which have risen proudly above the dashing waters, and gleam in their velvet verdure, like emerald stars on the breast of the azure sea.

So, in like manner, we are to look far beyond the Fourth day of July, 1776, for the primitive sources of those sacred sentiments and principles of freedom which, like multitudinous rivulets gathering from far distant mountain peaks, have converged, and at length united in one noble, generous,

broad-rushing stream, that gives life and happiness to all the dwellers in the land.

From Palestine, from Greece and from Rome, from Germany, France and from England, have descended to us through countless centuries, the chief axioms of liberty, and many of the weapons of its defence. Chiefly, however, to our mother-land, we owe a debt of gratitude for a great share of our immunities as freemen; for she gave to us the Magna Charta, the right of trial by jury, the writ of Habeas Corpus, and the guarantees of religious liberty. And though the mother and daughter, subsequently quarrelling about matters of taxation and representation, dissolved their political connections and became permanently separated, yet no candid and liberal mind will deny, that we owe a very large share of our inestimable civil and religious privileges, to that sturdy and imperishable love of freedom and hatred of tyranny, which have ever been a marked feature of the English character, and which have descended to us on the western shore of the Atlantic.

The immortal Jefferson, in writing the Declaration of Independence, drew his inspiration from these various sources; and the wise and patriotic statesmen who assembled to frame the Constitution of the United States, found no higher or purer springs at which to slake their quenchless thirst for freedom. Therefore, while we scan the luminous records of the past, and glorify the names of the fathers of the Republic—the immortal heroes of the revolution of 1776—let us not, in thoughtless selfishness, forget the services rendered to us, in common with the rest of mankind, by the patriots, soldiers and sages of generations long departed.

This structure, therefore—the Constitution of the United States—may aptly be compared to a grand and mighty temple, built of the rarest and choicest materials, collected and preserved by the heroes of the human race through all the ages of the world's history, and handed down to our fathers for the benefit of themselves and their posterity forever. While we praise the architects who composed the

edifice, and exhaust the terms of panegyric in expressing our admiration of their skill and fidelity, we must not forget the long train of immortal co-laborers, who, from the distant realms of Time, brought column and architrave, cornice and spire and firm foundation-stone, to aid us in the erection of a fabric that should defy the corroding tooth of age, the earthquake shock of civil commotion, the thunder-bolts of foreign invasion, the silent but fatal influences of human corruption and base degeneracy, and become the eternal abiding-place of the spirit of liberty; a fabric beneath whose broad and hospitable roof all the warring and diverse nations of Europe might find shelter and peaceful repose; and amid whose stately corridors and spacious aisles, and beneath whose majestic domes the humblest citizen and the proudest dignitary should find their legal and political rights held in exact equipoise.

And, thus far, it has well answered the purposes of its founders, though experience may, to the critical eye, have pointed out some minor defects. Perfect, it could *not* be throughout its multiplicity of detail, else it had not been the work of man. Nevertheless, under its gracious influences, the glittering civic constellation which rose in the East and smiled upon its birth, has increased from thirteen to thirty-seven stars, and spans the spacious arch of the North American Continent. The primeval wilderness doth bud and blossom as the rose. The solitudes of the Alleghanies are vexed with the deathless din of universal industry. The broad sweep of savage land which lay along the Mississippi's marge for a thousand leagues north of the Gulf of Mexico, is instinct with the hum of busy life, the arts of civilization, and trembles beneath the advance of the restless car of progress. The winding rivers are resonant with the scream of engines, and send great clouds of incense to the God of Commerce. Thriving villages, splendid towns, and imperial cities with their wealth and grandeur, occupy the former sites of the red man's wigwam. The softened chime of sabbath-bells fills all the hallowed air, where once the war-whoop and the

death-cry rose. The green and flower-gemmed wastes of the virgin prairies now gleam in the golden garniture of ripened grain. The boreal breezes that ruffle broad Erie's bosom, lose themselves among the laughing vineyards of Ohio, or wander in wantonness through the encrimsoned orchards of Pennsylvania; while the perfumed gales that breathe from tropical isles compel the bending homage of the stately cane, and linger, in playful dalliance, among the snowy billows of the cotton-fields. Hundreds of thousands of happy homes dot the surface of the land, and thirty millions of freemen tread the soil of the Republic, acknowledging no lord but God!

For nearly twenty years, the drowsy deserts of the Pacific slope have heard the tireless tramp that "murders sleep." And now, awaking from ages of death-like slumber, they hear the fury of the iron horse, whose hoofs extinguish Time as he spurns the dusty plains, and see his steamy breath arise from cloud-kissing peaks of snow. The silent gorges ring with the fierce clamor of toil; and the disemboweled mountains yield "the wealth of Ormus and of Ind." The brown valleys pour their harvests on the seas; the dun hills glitter with their countless fleecy herds; the genial slopes exhibit the vine, the olive, the orange and the fig. The sweeping rivers fret and foam with unaccustomed burdens; and the great bay, with gates of gold, gleams with the canvass of a thousand ships; while, throned on her stately hills—old Ocean prostrate at her feet, the thundering surges choiring ceaseless homage, her jewelled sceptre stretched across the Occident—right royally sits proud California's Empress, the ruler unrivalled of the vast Pacific Sea, the cynosure of nations, the Mistress apparent of the sunset world!

But, as "half in sun and half in shade, this world along its path advances," so the career of the great Republic, under the auspices of her Constitution, has been checkered with alternate light and shadow.

One sad and dolorous page the record bears; a dreadful, gory page, that the patriot and philanthropist fain would seal

from sight forever. A page that covers four dismal years, when brother lifted his hand against his brother, and deluged the land with fraternal blood; when the unspotted sky was smirched with the sulphurous smoke of battle, and the black columns arising from burning homes; when the soil was disfigured with the unsightly graves of brave men, and torn and mutilated by the engines of murderous war. These sorrowful memories can never be entirely effaced. They will descend from father to son, through all ages; and when, long centuries hence, our children's children meet to celebrate this day with shouts and songs of gladness, with bonfires and illuminations, and read the records of their fathers' deeds, their eyes will moisten and their bosoms heave as they look upon the blood-stained scroll which we have handed down.

Thrice blest, however, if our deep-set wounds shall teach them how to prize their freedom, and guard the temple which enshrines it. So much precious blood of brothers will not have been shed entirely in vain, if it shall teach those who come after us that the lynx-eyed vigilance of a wise, just and virtuous people can alone preserve the form and substance of republican institutions. And that other fundamental truth, that the powerful centripetal attraction of mutual confidence, respect and brotherly love, sedulously cultivated and strengthened by kind and sympathetic words and generous fraternal deeds, melting down and dissipating all sectional selfishness, bitterness and hate, is the only strong and imperishable ligament with which can be bound, in eternal and indissoluble unity, the individual stars that form our political solar system. And further, that those centripetal and centrifugal forces which, conjointly, gave that system its beautiful symmetry and harmonious movement, must be so exactly balanced and watchfully adjusted, that no star may be driven from its accustomed orbit into the unexplored regions of chaos and destruction, and no star drawn by an insidious, but resistless force, within reach of the utterly fatal and consuming influences of the centre.

Before these reflections are finally closed, it is worthy of remark that our free institutions produce no more striking effects than are seen in the developement of that spirit of enterprise and love of adventure which pre-eminently characterize the American people. The pioneers of the old thirteen colonies, who, in quest of freedom and in pursuit of gain, set foot on the stormy coast of the Atlantic, carving new homes out of the trackless and howling wilderness, and laying the sure foundations of our liberties, have challenged the admiration of mankind by the courage and perseverance with which they pursued their hazardous enterprises. And each page of the history of their descendants bears convincing testimony to the potency of that stimulus generated in the bosoms of all classes of society by the resistless influences of the sacred flame of liberty. Having already glanced at the wondrous and almost magical transformations which have been wrought upon the whole breadth of the continent within the last ninety years, it will only be necessary to add, that the same restless and untameable spirit is, almost at this very hour, annexing a new empire, and enlarging the area of freedom on the north—seizing triumphantly, in the face of the assembled monarchs of Europe, the lion's share of prizes at the Imperial Exposition at Paris, and, simultaneously, shipping Webster's spelling-books, *by the ton*, to the distant denizens of Japan!

To draw further illustration, we need but to raise our eyes and survey the interesting and instructive scenes by which we are here, this day, surrounded. They present a spectacle which demonstrates the vigor of the American intellect, and the energy of the American arm, unassisted by the patronage of Government, when laboring in the broad sunlight and life-giving atmosphere of individual freedom. We behold the rude and forbidding face of Nature softened and made agreeable by those pleasing features which attend the progress of improvement. We find the inhospitable wild beautified and made attractive by the accessories of advancing civilization. The hut of the savage, his brutish mode of

existence and coarse animalism, have given place to the stately mansion, the luxuries of rational life, and the refinement and elegance of urban society. But that we may more vividly realize the magnitude of these achievements, let us well consider the extremely rugged, inaccessible and secluded character of the region which has been their theatre. And, preparatory to this, permit me to lead you back, in imagination, to that dim and distant time in the hoary ages of antiquity, when, from north to south, close along the western foot of the Sierra Nevada, dashed the white billows of the boundless sea. This chain of mountains where we stand was not yet born, and, therefore, was invisible beneath the level waters. But see! the Great Magician comes. He strides along the shingly beach and views the watery scene. He nods his head, and waves his wand above the angry flood, and hoarse and hollow murmurs fill the startled air. Back from their barriers roll the refluent tides, with deep-resounding roar that rends the sky asunder, till, halting at the word, a hundred miles away, a sloping beach and level plain lie 'twixt the mountains and the baffled sea.

Again the Necromancer lifts his wand, and up Diablo slowly moves, shouldering aside the mighty walls of rock, and rearing high his naked head. Once more, and now appears the chain of Gavilan. On right and left, the groaning hills arise, and cañons yawn between the rifted chains; while proud San Carlos and Benito stand to guard the treasures of the virgin land.

Gray centuries pass and ages flee away.

The Necromancer comes again: he robes the naked hills in verdure, and guides the leaping streamlets down the deep-cleft gorges. Then, binding on the land a magic spell, he leaves his kingdom locked in deep repose, and, disappearing in the misty air, returns again no more.

The ceaseless stream of Time at last brings Man—bold, restless Man—thirsting for wealth and fame, and fired by the quenchless love of adventure, and the deathless spirit of liberty. He seeks a field which shall test his highest ener-

gies, and give scope to his measureless ambition. He penetrates the deep recesses of this silent realm, and climbs with tireless foot the thickest-tufted cliffs. No sounds of industry salute his ear; no work of man delights his eye. The twilight trembles with the jackal's howl, and the young owlet gibbers to the moon. But the adventurer brings faith, courage, industry, and iron will; and as Moses in the wilderness smote the flinty rock with the rod of Omnipotence, releasing the imprisoned silver-sparkling tide, so those adamantine crags are smitten by the magical wand of labor and skill, and straightway, leaps for a liquid-silver stream that breaks the dark magician's ancient spell, and wakes his kingdom from its heavy sleep.

And now the cheerful sounds of industry arise on every side—the ringing of the trowel, the clanging of the hammer, the groaning of the bellows, and the roaring of the forge. Through the pierced bosom of the erst enchanted mountains, roll the long thunders of the laden car. The deep chasms, on whose sides the wild goat hesitated, are studded with the cabins of the brawny miner; while down in the shady glens arise the stately structures, where science and art distil from the insensate clod, the shining representative of affluence and power. The once inaccessible heights are wreathed with broad, coiling avenues of travel, and the feet of Innocence and Beauty trample the crowned heads of the mountain kings. The heavy-laden wagons and the sorely-burdened mules, bear, from the lofty heights, the vermeil-painted ore, and glowing furnaces puff their columned smoke, into the deep and azure caverns of the sky.

So, all day long, these scenes prevail, the flying hours proclaimed by tocsin's tongue, till sinks the sun beyond the gilded sea, flinging his kisses back upon the mountains' brows. The silver stars appear, and look, with melting eyes, upon the peaceful scene. The deepening night is still. The prowling beast and ominous bird shriek not their discords on the silent air. The dreaming earth seems sinking into sleep,

when, list! far up the craggy cliffs, there peals a burst of music, soft, sweet and thrilling, as

"Horns of Elf-Land faintly blowing."

The loving echoes catch and hold the strains, as loth to let them die. Swayed by the wandering breeze, the sounds strike fitfully the eager sense; but soon the wind comes laden, *with the anthems of the free!*

Those rapturous strains, those pealing notes of glorious victory, which Bunker Hill and Yorktown heard, which New Orleans and Erie heard, which Vera Cruz and Mexico heard, ring through the night air from those star-lit crags!

These are some of the enchantments wrought in this "wildering land," by the magical power of skill, science, industry, energy, and enterprise, when fostered, protected, and stimulated, by the heaven-descended influences of American Freedom.

"Flag of the free heart's hope and home,
By angel hands to valor given!
Thy stars have lit the welkin dome,
And all thy hues were born in Heaven.
Forever float that standard sheet!
Where breathes the foe but falls before us,
With freedom's soil beneath our feet,
And freedom's banner waving o'er us!"

25135 INV. 1892

SPEECH

DELIVERED BY

DR. DAVID WOOSTER,

OF SAN FRANCISCO,

BEFORE THE

STRAIGHT CONSTITUTIONAL CLUB,

SAN FRANCISCO, Nov. 5, 1864.

PUBLISHED BY REQUEST OF THE CLUB.

Mr. Chairman and Gentlemen of the Club:

I am for the Union, first, last and all the time. I would prefer the Union regenerated, with an amended Constitution, abolishing and prohibiting slavery. But if we cannot secure the abolition of slavery without a war of extermination, why I would be satisfied with the good old Union as it was, with the glorious Constitution as it *is*, and the glorious flag that has been carried with honor and pride around the world; that has been baptized in the blood of the Union, of the American people, when we were one brotherhood, and that has never been stricken down except by the same hands who have, with us, borne it aloft on land and sea in war with foreign foes. It is some consolation, in this long funeral march of our bleeding country, that only Americans can stand in fight before Americans. It is a mournful gratification that if now and then the banner of stars must be trailed reversed in bloody dust, it is only by the occasional triumph of those whose fathers are our fathers, whose history is our history, whose monuments are our monuments, and whose greatness and heroism and glory are the greatness and heroism and glory of the *American people*. I am not here to move your hearts by recounting the horrors of war, or the barbaric cruelties of our semi-enlightened foes; were this my object, no such theme has been offered since the expulsion of the Moors from Spain. All national calamities appear light compared with the heavy weight of desolation that for four years has crushed the Southern people, and the

rain of blood that has stained every door-step in the North, and filled so many thousands of hearts with a grief that will not be assuaged on earth, no sooner by the restoration of the Union than by its utter extinction. What is a country to a mother whose sons are dead? What is a country to a nation of grave-diggers, whose soil is hollow to the echo with nameless tombs, but in which are buried the last hopes of life? Neither will I try to move your hearts with pity and compassion, emotions already pronounced maudlin, and nearly extinct in the American heart. We give our money to the Sanitary Commissions, but more because it is fashionable and politic than because we feel the tenderness of compassion for suffering soldiers. Our sympathy is no longer Christian, but Pharisaical and remunerative.

There are two great factions in the North both in and out of the Union party. The one is composed of all the fanatics and higher-law people of which Boston is the parent, and the sacred cow from whose full udders all trancendentalisms on this continent draw abundant nutriment. This faction, whatever they may say or swear, desire no restoration of the Union without the extinction of slavery, even if it could be accomplished to-day. This party makes up in pertinacity and loud talk what it lacks in numbers; it is but faintly represented where powder burns or blood flows. In In the embattled field and reeking trenches you see but few of the higher-law kind of Union-savers; fighting is not their forte—it never was—they are non-combatants personally, but advise all the world to fight and die if need be to secure the realization of their abstractions. I have no ill-feeling against an abolitionist pure and simple. Every man on earth who does not believe human slavery a great crime, is either defective in intellectual culture or a barbarian, or his conscience is so depraved by habit or crime that it is insensible to the axioms of humanity. But a practical abolitionist in the United States before this war, was of necessity a covert traitor, a seditious person, an incendiary in the State, and a man reckless of national pledges and constitutional obligations, under which and solely by which his ancestors were able to secure for him and for us all one Government, one free and independent Republic. Slavery was in the bond; it was established by organic law, and protected by the most stringent statutes. Therefore, a *practical* abolitionist was a violator of law and a traitor to the solemn promises and written bonds of his ancestors. This party boast openly that the war is to be continued until slavery is extinct, in other words, that the object of the war is the abolition of slavery, and the restoration of the Union the incident. The other faction, which embraces three-fourths

of the American people, believe also that slavery is wrong, morally, and a political injury and crime ; but they deny the right to interfere with it, except for military purposes, until the Constitution of the United States is amended, and the the acts of Congress in pursuance thereof in favor of slavery are repealed. These people, these three-fourths of the American people, do not believe there is any law more binding or higher than their recorded oaths. We have promised, albeit, to our own hurt, but we must not change if we expect a place in the congregation of the just. But these higher-law heroes crowd the Capital of the nation, and besiege the seats of power day and night, and clamor unceasingly to change the policy of the war, and make it a war on slavery and not on traitors. Mr. Lincoln has not yielded, though brought to bay a thousand times, and never will yield. The war is still prosecuted against traitors, and to save the Union, and for nothing else. The selfishness of the trancendentalists is diabolical and annihilating. They prefer chaos and the original night of the universe to the postponement of their theories. It is embodied in their demoniac maxim, as old as history : "Accomplish the right, though the stars drop from the sky, and the earth itself be destroyed." They say we are fighting for a principle, namely : "The right of Africans and their descendants to freedom in America." O ! what a delusion ! What a moral and political sophism ! Undoubtedly a negro has a natural right to freedom in America or anywhere else. Undoubtedly the tens of thousands of coolies, torn from their homes in China and the Asiatic seas, and now toiling for heartless masters without hope of restoration, in the Indias, on the coasts of South America, and on the islands of the Pacific, have a natural right to their liberty and the land of their birth. Beyond question, the thousands of operatives toiling harder than beasts were ever made to toil, in the mines and factories of England and France, have a natural right to the air of heaven and the water of the running brook and the light of the glorious sun, whose face hundreds of them, in adult life, have never seen ; and to the odor of flowers whose perfume they never inhaled. They *have* these rights though they were not specified in the Charter of King John at Runnymede, or the Constitution of the French Empire. Undoubtedly the political prisoners, thousands of them, in the ice-bound fortresses of Siberia, in the dungeons of Pekin, of Constantinople, of Damascus, of Delhi, of Paris, of Madrid, of Rome, of Mexico, and of *America !* have a natural and a civil right to liberty as trial by a jury of their peers would determine. But whose mission is it to free the oppressed of all lands, to open the dungeons of nations, to

compel the possessors of civil power to execute justice in mercy, to face the accused with the accuser, and if found innocent to allow him to go in freedom and peace. Every man and woman have a natural right to look at the stars through a telescope, to understand the physical laws of the world, to read the literature and contemplate the creations of Art of of all nations and ages. But whose mission is it to instruct the world and all that in it is? Certainly it is not the *peculiar* and *heaven* ordained mission of the American people! We cannot put knowledge into the brain, or pity into the heart by sheer physical force; we cannot shoot universal fraternity into the heart with minnie balls! If people will be learned they must gather facts for themselves. If they desire to be Christians they must obey the precepts and imitate the examples of the Divine Master as he taught and practised on the "green shores of breezy Gallilee," in Bethany, in the proud city of the Herods, and bearing the cross up the rugged hill of Calvary. Who says slavery is not wrong? No enlightened honest man will deny it is wrong when he is not under the influence of phrenzy begotten of contradiction or political argument. But suppose you are living in a State where the law forbids your liberating your slaves except under ruinous penalties, such as colonization or guarantees that they shall not become a public burden. Suppose you are unable to give the guarantees? Are you still bound by higher law to violate the statutes you have sworn to obey, and manumit your slaves and not only reduce yourself to beggary but also to a prison? Obedience to the laws is the *highest* duty of a citizen. We have treaties of peace, and amicable commercial and social relations with Brazil; but is it, therefore, the duty of the American people to send missionaries of abolition and books on the equality of races into Brazil to teach them the wrong of slavery? It would be political madness to inaugurate any such moral propagandism. Do you imagine there were no slaves in the universal Roman Empire, of which Judea was a province, in the time of Jesus? Rome was full of slaves of all races and shades of color, from the fair haired and blue eyed Saxon to the sleek Ethiopian. And yet Jesus never opened his mouth to rebuke that municipal custom, and thereby foment sedition in the Roman Empire, although clothed with the prestige of the Omnipotence of the Father. It was not the mission of the Son of God even, to disturb social and political conditions, but he trusted such things to time aud the eternal law, that a change of public opinion must precede a change of political conditions and of comprehensive social relations. Jesus and his apostles knew that slavery was wrong; in fact, it had been so taught by the

Jewish savans since Moses—but they knew they could gain nothing but martyrdom by promulgating that knowledge, and they would certainly have postponed Christian civilization except the Master had interposed his divinity and changed the opinions of the Roman Empire. He might have overthrown Rome and with it slavery, but he could not have suddenly destroyed slavery and left Rome unscathed. He directed his doctrine to the individual and not to the State, to the heart and mind and not to the setting aside of particular statutes either of Rome or Judea. He always obeyed the law however oppressive. The Messiah wrought a miracle to pay his capition tax to a Roman tax-gatherer. But slavery is none the less wrong because Jesus did not try by force and injustice to abolish it. Its apologists have used this as an argument in its favor without a shadow of propriety. The world is full of injustice and errors that cannot be remedied at once, and which we have no right to interfere with. We know our neighbors punish their children, maybe unnecessarily and sometimes cruelly, but have we a right to enter our neighbor's house and dictate the degree of chastisement, and the mode of its infliction? No! Why not? Because the law has guarantied our neighbor inviolability of his house. In the time of the Saviour, it was the legal right of the Roman father to take the life of his child or his slave, and for centuries thereafter. Did any apostle in set phrase ever utter a word against that cruel custom? Never. And yet every apostle and philosopher knew it was a crime, by the eternal principles of equity, that smoked to Heaven. But it was a hereditary social right that could not rudely be revoked without civil war and anarchy and delay of civilization. This generation of Southern people have a constitutional and statutory right to hold slaves, white or black, provided they are directly descended through the female line from African parents. This right is guaranteed to them by the constitution, by law and by hundreds of years of custom. We have a far better right to attempt the abolition of slavery in Brazil than we have in Georgia or Alabama; for in the latter case we are forbidden by the most solemn enactments and by the last commands of the ancestors under whom they and we inherit the good and the evil of this Republic. Mr. Lincoln well knows this hereditary right of the Southern people, (not in rebellion—traitors have no rights except those of war—) and he has with singular wisdom and the clearness of his logical mind never attempted to abolish slavery except as to individuals in rebellion against the Government of the United States. He has never proclaimed abolition in *States*, but merely in the families of rebels, and he never can under our Constitution.

We can exterminate the people of South Carolina and recolonize it with people of different opinions, and they can abolish slavery in the State by amending its Constitution—not otherwise. Opinion must precede force, or force will be exercised in vain. Slavery was abolished in the District of Columbia by the legislative authority of the District, and thus it can be abolished in all other States, and not otherwise. Mr. Lincoln, the most honest man in the nation, the most single and patriotic minded man in modern times, is the last man who will undertake the solecism of general emancipation by proclamation. Those who expect it will be disappointed; those who dread it, indulge illusions as idle as they are imbecile. I would to-day prefer Union with the Southern people as the Union was before the war, to Union with slavery suddenly abolished by force, with no provision made for the education or care of the freedmen. No true patriot or well informed Christian, no statesman or scholarly citizen, can desire the sudden abolition of slavery. The education of the negro is not equal to it; the social habits and opinions of three millions of people are not yet ready for such a sweeping reformation. There are things worse than to enslave an African. It is worse to kill one's brother directly or indirectly; it is worse to abandon one's mother to destitution and death; it is worse to leave one's sisters and daughters to orphanage and poverty and infamy. As there is a God above who will judge us for our selfishness here or hereafter, it is worse to slaughter a million of our young men, the pride and hope of this once glorious Republic; it is worse to cast these jewels of the nation into the great grave of the battle-field and ourselves remain unharmed beyond the roar of battle, advocating our meaningless and intangible abstractions which can be realized only through rivers of blood. God will speak out of the whirlwind and say, "Cain where is thy brother," far sooner than he will ask for the living body of his slave. The slaughter of white men is worse than the enslaving of black men. It is worse to slay my brother than to permit my brother to enslave a stranger of another race. Let God judge between the victim and the oppressor. As murder is the highest personal crime, so is civil war the highest national calamity and iniquity. Thank a merciful heaven, we did not begin the war. Thank heaven, it is not continued to give freedom to negroes, but to give life and liberty, and religion and hope and civilization to white men; to restore us our blessed and ever prosperous Union, our patriarchal peace and prosperity and happiness, which demons have sought to destroy. Accursed be the man who proposes to continue this war for the abolition of slavery. Mr. Lincoln

is an abolitionist under the law and the constitution—no more. Mr. Lincoln's policy is that of an honest, humane man and a statesman. Restoration of the Union; gradual emancipation if possible, if not slavery as it is under the Constitution; limitation of slavery hereafter to the letter of the law and perpetual prohibition against its extension beyond its plain constitutional limits and bounds. I know this is not the policy of that illiterate impolitic Senator who is Chairman of the War Committee, Ben. Frank Wade. It is not the policy of Sumner, or Chandler, or Davis, or Phillips, or Greely, or of a hundred less and less dangerous men. They want a red Republican; they want an anarchist, a destroying demon, who would immolate everything that did not believe a slaveholder the prince of sinners. They want more blood, a more sweeping conscription; they want your brothers and mine, you and me, to cast our hearts into the great maelstrom of carnage, that they may sit on the high seats of the amphitheater and behold the combat of the gladiators, the human sacrifices offered on the altar of their accursed abstractions, Utopias the world has sought in vain to realize since the creation of our race. These Abolitionists of the Wade type, would turn pale at the sight of a pistol, or the flash of a sabre. They would not expose their bodies to imminent danger to save the solar system from chaos, and yet they thunder from their places in the Senate of the nation, "We can afford to lose three millions of young men to save this country from the pollution of slavery. O, generation of vipers! hypocrites! It makes my heart faint within me when I think it is for such creatures we are trying to save this country not from slavery but from annihilation to the brink of which they have struggled to bring the Republic. When I have slept during the long nights on the cold sides of the mountains in the midst of the Apaches, with a score only of march worn comrades, I have awoke almost disgusted and weary with life that I was risking all, all to me, though I was but one among a million of those whose house is the tented field and whose lights are the stars of heaven or the glare of exploding shell; I say I was weary with a life devoted to the saving a country to be ruled by men whose notions of right are above the earth and the human mind, men whose brains are filled with gibbering abstractions, and impracticable corollaries of discreet facts, who think a purified spirit separate from the body more beneficial to society than a person who does not think it a mortal sin to give a negro his board and clothing to do that for which a white girl under their eyes often get neither board nor clothing sufficient to prolong life. I have followed the flag through more

than twenty degrees of latitude to do service for the Union, and did I think I could aid in the restoration of this country to peace and union with or without slavery, I would go for the second time during this civil war, and bear all the hardships that soldiers bear, take all the risks that men take in the deadly charge, or the more deadly garrison or camp—all this I would do without a complaint, and my only anxiety would be lest after all the Union should fall to pieces by the unbridled license of such men as would prefer endless war to peace with slavery. And this is the principal grief of thousands who now occupy the camps and garrisons and trenches and forts which cover this once peaceful Republic. Peaceful with slavery—prosperous as no other nation was before, and prosperous with slavery flourishing for eighty years ; flourishing under the blight of slavery, and yet the enemies of Lincoln's conservatism tell us we could not live a month with the Union and slavery as it was. God grant us the experiment *once* more, and I think the war will have taught both people such a lesson in slaughter that they will not easily be again led to the argument of battle for the settlement of internal disputes. We have triumphed in a hundred fields : but over whom ? Our brothers as brave and as generous as we—no more—no less. True, they brought on this war without cause, and without a shadow of real provocation ; but not those we kill in battle—they had no more to do with initiating the war than the muskets they carry or the horses they ride. Poor fellows ! how they long, as do our own veterans, for the home of their youth, for the gardens and forests and fields, the sound of bells, the lowing of kine, the ring of the ax in the stillness of the great forests, for all the thousand sights and sounds of peace, for the ineffable love of a mother's look, for the confiding fondness of brother, sister, child and wife. " O leave the poor plebeian his single tie to life—the sweet, sweet love of daughter, of sister and of wife." All these are joys few of them in either army will ever know again. A nameless grave ! The gazette will say they were hurled in masses on the opposing columns of the foe ; they dropped down dead faster than you could count ; the slaughter was unequalled in the history of the world ; they stood until they looked like sentinels on post, so thinned were the ranks but a moment ago closed and solid. This is all the funeral eulogy their friends will ever hear. A few platoons of muskets, the blast of a trumpet, or the dirge of a bugle, or the solemn roll of a drum, are the only orations that will be uttered above their graves, and thousands of them will lie unberied on the field where they fell. These poor soldiers are not responsible ; they cannot lay down their arms except for the certainty of being shot as

traitors or cowards. They cannot become loyal if they would. Citizens have no conception of the cohesive power of armies, of the crushing despotism of military discipline. But, alas! we have no alternative; we must fight. If their leaders will not treat on any basis except Southern Independence, we must fight on; for Southern Independence is the extinction of free Governments on this continent; it is the entering wedge that will sunder half the globe. It will entail orphanage, poverty, degradation and servitude on us and our posterity. We must fight even to the extinction of every living thing in the rebellious States sooner than yield this point. Sooner let our armies lay waste the whole territory of the South, instead of simply an area five miles in diameter in the Shenandoah Valley as Sheridan has done. How quickly would all this be settled; how speedily would the Union be restored if the alternative was that barely one hundred Southern gentlemen, whom one could count on his fingers had he the rebel Blue Book, should be placed under fire at the usual distance of armies of infantry in battle; how quickly and loudly they would cry, "We have sinned." There would be no haggling about government by minority. the right of self-government by the people, the cant of fighting for home and household goods, the freedom from the Lincoln despotism. All this is bosh to decoy their unthinking, excitable, honest people. The masses are always more chivalrous, more single-minded, more patriotic, more devoted, more self-denying, and braver than their leaders, or rather drivers, who sit in the canopied seats of power clothed in the robes of office. "Ye who pour your blood for kings like water, what have they given your children in return, a nine-fold bondage where their hire is blows." I feel no exultation when I hear of a great Union victory; it is merely a melancholy satisfaction, such as one feels at the accomplishment of a necessary act. Every victory is purchased with so many broken hearts and desolated homes, that we should weep in the midst of our rejoicings even over such a victory as that of Sherman over Hood, or Sheridan over Early. Great battles are the sublime poetry of war; they are the heroic hexameters that thrill the soul and suspend reason, and bear away our pity and our sympathy, and our human feelings on the wave of their grand, solemn symphonies. But after the echoes of the cannon have died away, after the sound of the charge and the music of the bugles have become hushed, and we contemplate the net results of a great victory, it is then we see the Hogarth picture, the prosy corpses, the ashes of the homes of an industrious, honest, frugal and contented people, the dull smoke of burned towns, and hear the real cry of a

bereaved people who sit away below the palaces of princes and the seats of civil power. Who will say the war is a failure? that Lincoln's generals are failures, that we are no nearer success now than at the beginning? I tell you our success has been fearful, it is appalling to contemplate the results of this war against the rebels. There has been no better or more successful fighting during all the historic period than that accomplished by our armies. What have we not done that men can do? We have taken New Orleans and Fort Donelson, and Vicksburg and Atlanta, twice driven the invaders from Maryland and Pennsylvania with great slaughter. We have won Shiloh and Corinth and taken Chatanooga. We have driven the rebels from Arizona and New Mexico, and Missouri and Arkansas, and Tennessee and Kentucky. We have sunk the Alabama and captured the iron ship of Commodore Buchanan in the bay of Mobile. We have won Antietam and Gettysburgh, and driven the rebels from the valley of the Shenandoah—all honor to the gallant Sheridan and his glorious legions. We hold the fairest portions of Louisiana and Georgia. We are everywhere triumphant, everywhere victorious, on sea and land. Our navy blockades a seaboard three thousand miles in extent more effectually than any extensive line of coast was ever blockaded before. Rebellion is driven to its citadel, and its intrenchments and its covered ways. The splendid armies that once humiliated our arms on fifty fields are dead. The chieftains whose names were a watchword to the rebellion are dead. The country of the rebels once the most beautiful under heaven, is scarred and blasted and impoverished; hundreds of thousands of their people are reduced to the last degree of destitution and want, their religion, their morality are almost extinct, and even their taper of hope now burns but dimly in its socket. There is no hope of the success of the rebellion in the mind of any person informed of the course of events. How ignorant, or lost to truth is he who says the war is a failure—it is a terrible success, its success will be a beacon light to the nations for thirty centuries to come. Of all the rebel generals who once vaunted their unconquerable prowess, Lee alone remains unconquered. It will cause no exultant feelings in American hearts against Lee himself when, by the sure course of events, it shall flash across the continent and the world that Lee has surrendered to Grant. If he were engaged in a better cause, he would have the affection as he now has the admiration of the world. It is with a feeling of half regret that military men contemplate the fate of humiliation that awaits the great rebel chieftain. Slowly, but surely, the foundations are crumbling from under his feet. His armies

daily melt away before the endless assaults of Grant. He has filled his trenches with boys of tender age ; he has conscripted exempts and clerks from the bureaus of the civil service, and threatens even the conscripting officers themselves. To such desperate straits is his government reduced. It is now an admitted fact, the ruined confederacy can no longer recruit its disentegrated legions, while Grant receives two men for every one stricken in battle or by disease. His triumph over Lee is as inevitable as fate itself. But Lee is an American and one of her greatest men—as history will say when all the passions engendered by this war are still—when all its crimes are forgiven and covered by the pall that will cover the dead. And I may say this to the brave men who now hear me ; when Lee is led in triumph to the national Capital he should sit side by side with Grant on a car of ivory and gold ; and his battle flag should float on the same staff with Grant's, he should be escorted by the booming of cannon, and squadrons of Cavalry and all the pomp of triumph should glorify him equally with Grant. Grant and he should arm in arm ascend the steps of the Capitol and together do homage before the emblems of Liberty and Victory. Lee must yield to fate, and it will be the melancholy monumental pride of posterity that he was an American, and that he was conquered only when his generals and his armies were dead, and his country a desert. Lincoln will succeed in this electoral campaign, and in the war. Talk of his lack of energy in carrying on the war! When were so many men brought into the field with so little trouble in any age or nation? When were such immense finances supplied to a warlike people, with so little commercial disturbance? When were so many ships of such magnitude and efficiency built and manned in so short a time? His success is universal, his energy annihilating and yet he uses his unlimited power with the forbearance and tenderness of a Patriarch. There is not a spark of despotism in his nature. But if the war continue another four years, we may have restoration of the land of the Union, but the people will be dead. Our stars and stripes will float from the Capitols of the Rebel States but legislators will have to be colonized to fill the deserted halls and corridors. The laws enacted will need to be only patriarchal and eleemosinary for only widows and children in want and ruin will remain. The Valley of the Shenandoah is already a valley of Jehosaphat, and Kentucky, and Alabama, and Virginia, and Missouri, are already paved with skulls. The new coat of arms for the restored states will be a broken sword, a rusty musket and a spiked cannon on a grave, on which the grass is

growing, and the crocus is blooming, and a lizard and toad emblems of desolation will be the only living things in this monumental heraldry of an extinct people. But I see no other way; if a deaf man attack me with a sword, I must draw and defend myself; I must even run him through if he will not desist after I have wounded him again and again. How could I reason with one who only talked Sanscrit, if he were my enemy. If he attack me I must fight; I would not dare lower my point and rest from the assault lest he should attack me at advantage and slay me. This is a precise simile for the rebel chiefs to day. They persist in speaking a language civilization will not hearken to. Mr. Davis says he will not speak of peace until we withdraw our armies and blockading fleets. That is, he attacks with unequalled fury, but will not desist until we lower our point, stand off our guard, and leave ourselves exposed to his—a rebel's mercy. It is impossible; he is both deaf and blind. We can rest a moment *on* guard; and then we must renew the assault, and as one champion falls, another must be ready with naked sword. We wish peace, but they will not have it by the only possible means. We would leave their States and laws and customs intact, deprive them of no right they had under the Constitution of the Fathers. This war has already defined and settled in the minds of all men the limit of those rights, and the privileges of all: these definitions are branded in fire on the face of the continent, and written in blood on the palms of the hands of the whole people; hereafter all will be well understood. Lincoln's government do not demand one tittle of the rights of the Southern people not in rebellion, and would demand none would the rebels consent to lay down their arms to day. The South is the assaulting party; no page in history is so well and indisputably proved. They attacked without provocation the most benignant and fostering and paternal Government on earth. Mr. Stephens, their Vice President, confessed it in words that brand them traitors more plainly than if every one of them were branded with a heated iron. He says they can offer no excuse for rebellion to the nations nor to posterity whose patrimony their treason will have wasted. They can offer no extenuating reason to their own consciences or to God. Never did they ask, but their prayer was granted before it was urged; not one right assailed, not one privilege revoked or abridged, not one person punished without process of laws of their own enactment, not one cruelty ever perpetrated on an individual, a corporation or a State by the paternal Government during all the long period of eighty years.

Allow me to read the speech itself of Mr. Stephens, de-

livered in the rebel convention, proposng secession, in February, 1861.

"This step (said Mr. Stephens) once taken, could never be recalled; and all the hateful and withering consequences that must follow (as they would see) will rest on the Convention for all coming time. When we and our posterity *shall see our lovely South desolated by the demon of war, which this act of yours will inevitably invite and call forth;* when our green fields of waving harvests shall be trodden down by the murdrous soldiery and fiery car of war sweeping over our lands; our temples of justice laid in ashes; *all the horrors and desolations of war upon us, who but this Convention will be held responsible for it?* and who but him who shall have given his vote for this unwise and ill-timed measure, as I honestly think and believe, shall be held to strict account for this *suicidal act* by the present generation, and probably cursed and execrated by posterity for all coming time, *for the wide and desolating ruin that will inevitably follow this act you now propose to perpetrate?* Pause, I entreat you, and consider for a moment what reasons you can give that will even satisfy yourselves in calmer moments —what reasons you can give *to your fellow sufferers* in the calamity that it will bring upon us. What reasons you can give *to the nations of the earth* to justify it? They will be calm and deliberate judges in the case; *and to what cause or one overt act can you name or point on which to rest the plea of justification?* What right has the North assailed? What interest of the South has been invaded? What justice has been denied? and what claim, founded in justice and right, has been withheld? *Can either of you name to-day one Governmental act of wrong deliberately and purposely done by the Government of Washington of which the South has a right to complain?* I challenge the answer. While on the other hand, let me show the facts, (and believe me, gentlemen, I am not here the advocate of the North, but I am here the friend, the firm friend and lover of the South and her institutions, and for this reason I speak thus plainly and faithfully for yours, mine, and every other man's interest, the words of truth and soberness,) of which I wish you to judge, and I will only state *facts which are clear and undeniable*, and which now stand as records authentic in the history of our country.

"When we of the South demanded the slave trade, or the importation of Africans for the cultivation of our lands, did they not yield the right for twenty years? When we asked a three-fifths representation in Congress for our slaves was it not granted? When we asked and demanded the return of any fugitive from justice, or the recovery of those

persons owing labor or allegiance, was it not incorporated in the Constitution, and again ratified and strengthened in the Fugitive Slave Law of 1850? But do you reply that in many instances they have violated this compact, and have not been faithful to their engagements? As individuals and local communities, they have done so; but not by the sanction of Government, for that has always been true to Southern interests. Again, gentlemen, look at another fact. When we have asked that more territory should be added, that we might spread the institutions of slavery, have they not yielded to our demands in giving us Louisiana, Florida and Texas, out of which four States have been carved, and an ample territory for four more, to be added in due time, *if you, by this unwise and impolitic act, do not destroy this hope, and, perhaps, by it lose all, and have your last slave wrenched from you by stern military rule, as South America and Mexico were, or by the vindictive decree of a universal emancipation*, which may REASONABLY BE EXPECTED TO FOLLOW. But again, gentlemen, what have we to gain by this proposed change of our relation to the General Government? *We have always had the control of it, and can yet, if we remain in it, and are united as we have been, We have had a majority of Presidents chosen from the South, as well as the control and management of most of those chosen from the North. We have had sixty years of Southern Presidents to their twenty-four, thus controlling the Executive Department.* So of the *Judges of the Supreme Court*—we have had eighteen from the South, and but eleven from the North, although nearly four-fifths of the judicial business has arisen in the free States; yet a majority of the Court has always been from the South.

"Pause now, while you can, gentlemen, and contemplate carefully and candidly these important items. Leaving out of view, for the present, the countless millions of dollars you must expend in war with the North, with tens of thousands of your sons and brothers slain in battle, and offered up as sacrifices upon the alter of your ambition—and for what, we ask again? Is it for the overthrow of the American Government, established by our common ancestry, cemented and built up by their sweat and blood, and founded on the broad principles of right, justice, and humanity? And as such, I must declare here, as I have often done before, and which has been repeated by the greatest and wisest of statesmen and patriots in this and other lands, that it is the best and freest Government, the most equal in its rights, the most lenient in its measures, and the most inspiring in its principles to elevate the race of men, that the sun of Heaven shines upon. Now, for you to attempt to overthrow

such a Government as this, under which we have lived for more than three-quarters of a century—in which we have gained our wealth, our standing as a nation, our domestic safety while the elements of peril are around us, with peace and tranquility, accompanied with unbounded prosperity and rights unassailed—is the height of madness, folly and wickedness, to which I can neither lend my sanction nor my vote."

They rebelled in their wantonness and madness, impelled by an insatiable ambition. They must either lay down their arms or be disarmed, though we perish in the combat. The appeal is to force, and we cannot escape the result if we would. Southean Independence is a chimera, and cannot be thought of. All the traditions of our country bind us to unity of nationality. Nothing did Washington so much enjoin upon us in his whole career of civil life, as the absolute necessity of union to our independence and existence as a nation. It is idle to argue against the right of a State to secede from the central government. Secession is a political paradox—it means disintegration—it means military despotism—it means an impudent aristocracy, it means standing armies, the abasement of the people, the closing of common schools, the distruction of railroads and telegraphs, the profanation of altars, the blasphemy of God ; in a word its natural consequence is barbarism. If we enact the premises of history we must abide the conclusions of history. If the Union is sundered some Caligula or Tiberius will enter Washington as nominal president, surrounded by his guard and legions, who will recognize no law but his will. Yielding a nominal obedience to the laws he will dictate decrees nullifying statutes to a degraded Senate, who will as surely bend to his power, however unwillingly, as did the noble Senators of Rome, who counted fifty descents to the successors of Augustus. We should have an aristocracy more impudent, more insolent, more tyrannical, than the aristocracies of any European State, because neophytes are always less scrupulous than an old hereditory nobility, who recognize the mutual dependencies of all the orders of the State. The aristocratic tendency is already on the increase in the North, through the influence of the vast host of Government officials, civil and military, who are essential to a great military establishment like the present, and through the degradation from the condition of free thinking and free acting citizens of more than a million young men of the Republic to a state of absolute and involuntary obedience, without thought or question. The degradation of so many will affect the character of the people for a quarter of a century, and if the Union is severed, the vigor of its mutil-

lated member could *never* again approximate the splendid pride and strength of its united and magnificent proportions. We had better become a province of the British Isles, a satrapy of the empire of hated Albion than an independent segment of the American Republic. The petty kingdoms of Spain were weak, and poor, and unknown, a bait for foreign invasion, and constantly engaged in civil broils and endless discord, at an expense that compelled the people to live like wild beasts, without shelter and with scanty food, and still more scanty clothing. The financiers of the various governments were compelled to tax everything on which the thought of man could rest. The maidens of Castile and Aragon sold their magnificent tresses to pay the taxes and fines imposed on their half-starved parents; virtue itself became a commodity to diminish the endless oppressions necessary to raise revenues to carry on civil wars or maintain defensive armies on the frontiers of kingdoms not larger than the smallest of our States. But Ferdinand and Isabella conquered Grenada, consolidated their kingdoms, received the homage of all the petty princes of Spain, and from that hour she became a giant among nations, and in less than one hundred years the enormous empire of Spain girdled the world. Her degradation began with the *secession* of her integral peoples, and in less than fifty years she had become the by-word and scoff of nations. Within less than eighty years of union our country, from a narrow zone by the Atlantic, had stretched across the continent and had begun to make settlements in Asia and the islands of the Pacific. We had conquered the rich empire of Mexico and relinquished the conquest to prevent the extension of slavery. We had purchastd princely territories from France and Spain and Mexico. By diplomacy and arms and money we had secured, or were near securing, all the fairest portions of North America. We had produced statesmen, scholars and artists, unsurpassed in the world. We had established the prosperity of the people on the only secure basis: that of universal education, by placing knowledge within the reach of all without money and without price. We had a revenue without taxation beyond our national wants. We were free from debt and had millions in the national treasury. Dissension would sweep all this away as though it were unsubstantial vapor. Our debts have even now mounted to the inconceivable, half the Union has been devastated by war; our credit has been reduced one-half at home and abroad: our very name and nationality hangs upon the turn of battles and the result of sieges. If we hesitate or experiment now, all is lost! We have but to fight a little longer under our tried and true chiefs, with

Abraham Lincoln at the head and Grant at the front, and the vaunted aristocracy of the South will be the sole survivors of the Southern Confederacy, all else will be dead. The question of slavery, even, will be incidentally solved by the death of the slaves or their escape from bondage. The aristocracy will fight the people against our armies until they are dead, and then the aristocracy itself will become extinct. This will be the realization on a small theater of the sublime hyperbole of Michlet concerning the aristocracies of Greece and Rome. "That world of pride," says the historian of the people, "almighty Rome, had a contempt for nature and the people ; it only esteemed itself, its princes and its noble families. This haughty ancient world, that would have been the noble alone, succeededed but too well in suppressing all the rest. All that seemed low and ignoble disappeared from the eyes ; the animals as well as the slaves, and the Roman Empire, disembarrassed of both, entered into the majesty of the desert. The earth ever expending and never recruiting, became with the numerous monuments that covered it, as if a garden of marble. There were towns still, but no more country ; Circuses triumphal arches ; but no more huts, no more laborers. Magnificent roads were ever ready for the traveler, but none traveled ; sumptuous acqueducts continued to bear rivers to silent cities, and met with none to slake their thirst." The animals and slaves of the Southern Confederacy are already half-destroyed, but the Southern State, the aristocaacy remain upon the defenses of the fast crumbling citadel of their waning power. Every gun from a Union battery is a symphony in their funereal requiem. Whether we will or not, the instinct of self-preservation compels us to continue their slaughter and our own until they shall consent to one government, of Republican form, one flag and one constitution and the everlasting abeyance of aristocratic pretension of the *right* to rule the people of this one Republic. Secession is the gibbering fiend that mocks the people and leads to infamy. It is an invention of phrenzied ambition, embittered by disappointed hopes and the lack of opportunity to revel in the treasures of the people : it is the statesmanship of the madhouse, and leads to all private and public crimes, and must if tolerated, inevitably end in barbarism. Away with it ; crucify it on every tree ! Give us rather an absolute despotism, limited only by assassination, than the necessary chaos involved in the very idea of the right of a State to secede from this Union. How does Mr. Lincoln propose to end the war ? by continued assault, until the aggressor shall acknowledge himself vanquished. Mr. Lincoln has said, all the way from his inaugu-

ral address in 1861 to the present moment, that the war would be waged for the preservation of the Union only, for the establishment of the supremacy of the Constitution and the Acts of Congress, for the preserving or restoring to each State a Republican form of Government—in short, for Constitutional nationality and nothing else. Mr. Lincoln never had had any other notion, or any other policy; his policy has been this, pure and simple and nothing more.

There is nothing else proposed in the platform on which he is re-nominated, and on which he will be re-elected more triumphantly than any President since Washington. If the rebels had any cause of complaint against the Government, how gladly would Mr. Lincoln seek to remove the cause to secure a peace; but they stand before the world rebels without provocation; traitors, none of whose rights or privileges were ever trampled upon or curtailed. Mr. Lincoln can do nothing but continue the war. The battle flag of the Republic should be nailed to a column far above the dome of the Capitol, and there it should float in night and day, in thunder and silence, in sunshine or storm, until rebels are willing to fire salutes in its honor from dawn till twilight, and from every fortress in their blood-stained territory, from Sumter and Castle Thunder to the temporary earthworks of the ever retreating Hood.

Then we shall have peace; peace with the Union and Constitution.

Slavery will become extinct in a few years by the natural progress of public opinion and the interests of commerce, which are ever antagonistic to aristocracy, and especially to aristocracy based on slavery. The common school system will kill the system of slavery.

To secure such a peace is the sworn mission of the Union party. We will never cease to furnish men and means until the rebels against the best and freeest of Governments will lay down their traitor flags.

We ask no victims of vengence to attone for their treason or their crimes. They are our brothers, and we will forgive them this great wrong on us and humanity as freely as we would a brother born of the same mother. We offer universal amnesty. We ask no act of humiliation, no acknowledgement of inferiority in war or peace; but ackowledgement of that which civilization as umpire will decide when she arbitrates our cause before the bar of history and before the jury of posterity, namely, that the South rebelled without cause, not against the North, but against the Union which their and our fathers bequeathed us in common, and enjoined us to maintain against domestic and foreign violence. They *must* acknowledge

this much, no more, and then we will have peace, then will we re-build the ruined monuments of our greatness. We will together re-people the cities and fields desolated by war ; we will sow the plains, soddened with the blood of her sons, and turned to stone by the tread of armies, and waving grain shall conceal the stains that reek to heaven all over our torn and shattered Republic. Together we will build railroads across the Continent, and store-houses for our bounteous harvests that shall again ripen as before. We will tax ourselves to the tithe of our blood to provide the mutilated vetrans, whom peace will return to their homes, with all that shall sweeten their lives; and we will do this, and more, for the widows and orphans of those who have fallen in battle. We will rear monuments on every field, to perpetuate the story of the unequalled daring of the American people. We will restore all that war has destroyed, except the spirits of the heroes who have fallen on these fratricidal fields. We will consolidate our re-united armies, and drive Europe from America. Gaul shall have no foot-hold in Azteca ; Mexico shall be free from France, and free from monarchy. All this will be inaugurated during the coming year, and during the second administration of Abraham Lincoln. Lincoln is the right man in the right place.

Lincoln is personally brave, physically and mentally, brave. He has the intellect to perceive the danger from afar. and the providence to be ready to meet it when it approaches, and the courage to allow it to pass over the people who made him their leader, only after it has buried him and every one of his lineage amid the ruins of his country. He is too much of a philosopher to think life worth more than honor, and too honest a man to believe that honor is separable from right.

The last war with England was amusement compared with this great arena of slaughter which is now being filled with victims, and around which civilization is gathering to look on in horror and hope. In that war it was a continent against an island ; it was a victorious army of patriots, with a banner yet dripping with the blood of recent victories, against a conquered and distant foe. Now it is the hero of Marathon against the hero of Marathon ; the defenders of Greece against the defenders of Greece ; more, it is the defenders of America against the defenders of America. The same arms, the same blood, the same fields, the same heavens above the cradles of both, the same constellations above their heads for two hundred years ; heroes of the same battle-fields, which were overshadowed by the same glorious banner, the contending armies have a common history, common ancestors, and the monuments of the greatness of one

people are the monuments of the greatness and glory of all. One army has chosen to maintain this history, these monuments and the memory of these ancestors, and deliver to our children their rightful heritage of fame, liberty and prosperity ; the other has chosen to raze these monuments, sow the earth with salt,destroy the tombs of our fathers, and squander the hereditary patrimony of the children of this Republic in riotous living, and hereafter, when they ask for bread, to give them a serpent ; when they say, "Show us the great constellation which is our inheritance from our fathers," to point them to the faint Pleiades, dropping one by one from the firmament of heaven, as the remnant and memento of the once increasing field of stars whose light illuminated the whole world.

Which is the Fortunate Man ?—the chief of the defenders of the history, pride, right and glory of the Republic, or the chief of those Americans who have turned Vandals and desire to destroy all this ? Lincoln is here the favorite of Providence. Jackson was a hero from boyhood and always knew it ; Lincoln was a hero from the cradle and knew it not.

Jackson was the hero of a party which has lived on his name alone for nearly a quarter of a century ; Lincoln is the hero of a whole people, and the exponent of a political fact on this continent—to wit : that the United States is a unit, and cannot be broken into fragments.

Jackson enforced the collection of the revenue in one State ; Lincoln will compel nine to salute the uplifted banner they have torn down and mutilated.

Jackson was unmoned by danger for the sake of his own fame, as well as for the good of his country ; Lincoln has no military reputation to support, and is unmoved by danger from inborn, uncultivated courage.

Jackson could write and deliver a good speech ; Lincoln is a clearer reasoner and as felicitous an orator.

Jackson could stand within cannon range without paling ; Lincoln delivered a speech half a hour long, in a clear, animated voice, when millions of people, he among them, expected at every word a concealed weapon might strike him dead.

Jackson entered Washington amid the thunder of cannon and the *vivas* of a triumphant party and contented people, surrounded by loyal officers ef the Government ; Lincoln entered Washington with the speed of lightning, over powder magazines which were to have exploded, and through bands of assassins hired to strike him down before he reached the Executive mansion, and surrounded by Government officers who were conspirators, and in league with traitors and assassins.

Jackson will be remembered as the hero of New Orleans, the founder of a great party, at the close of the administration of which all high offices were filled with traitors; the Government without finances and with ruined credit; the army demoralized and the government fortresses dismantled; the navy scattered in unknown seas, and commanded by officers who acknowledged no allegiance to the Government under whose flag they sailed and whose treasures they squandered in idleness and luxury. History will say Lincoln became chief of this country at such a time; that he filled the offices with patriots and loyal men; that he called home the navy and officered it anew; that he raised an army of over a quarter of a million from his own class in twenty days; that this same class gave three millions of dollars a day for the defence of his capital, and the recovery of the lost fortresses, and that he unfurled the banner of the One Republic again, and saw it float triumphantly above the smoke of cannon, above conquered fields reeking with the blood of civil war, above hecatombs of traitors, on every castle-keep and from every tapering mast from Maine to the Keys of the Gulf, and over the low savannas of the Atlantic and from the mountain tops of the Pacific; that he left 35-000,000 of free people nnder *one* Government, *one* Constitution, *one* flag—the stripes and stars---with the same glorious memories of the past, the same unconquerable might of now, the same hopes of perpetual future greatness, with undying love of liberty, of equality before the law, and of the hereditary individual sovereignty purchased for them by the blood of their patriot fathers.

Abraham Lincoln is the right man in the right place, and Posterity will celebrate the day of his birth, and clothe itself in sable at each recurring day of his death.

AN ADDRESS.

To the Honest and Patriotic Members of the late Union Party:

When I make an appeal to the honest and patriotic members of the late Union party, I cannot but think that I am addressing a large and influential portion of my fellow-citizens.

I say the *late* Union party—I say so, because I consider that a party known by that name, composed of very heterogeneous materials existed during the late civil war, whose sole bond of union was a common desire to conduct that war to a successful conclusion; which object having been effected, the partnership expired by virtue of the very terms by which it was created. It is beyond a doubt, that those who were banded together during the war entertained political opinions of various shades and complexions, embracing Whigs, Democrats, Abolitionists, Free Soilers, Republicans, etc., etc. Many honest and earnest supporters of the war were bitterly opposed to the fanaticism of the Abolitionists; many who thought slavery an evil, were opposed to the doctrine of universal brotherhood, negro equality, and negro suffrage. To these dissentients, I propose to demonstrate, that owing to fortuitous circumstances growing out of the war, the fanatical element of the Union party was in the ascendant, and that this element is the leading one in the party which has nominated General Grant for the Presidency.

Now then, to those who have been abolitionists from the start; to those who sink every other consideration, in the desire to elevate the negro to the social and political condition of the white race, I have nothing to say: without impugning, in any way, the motives of this class, I pass them by as lost and gone, to all sense of logic and of reason. I should as soon think of addressing the inmates of a lunatic asylum.

But, as to that other class to which I have alluded, those who hold in abhorrence the fanaticism of the Abolitionist; who, recognizing the fact, which reason and experience alike establish, that when two races that cannot amalgamate come together, the inferior must be subordinated to the superior race; who, holding nothing in common with the peculiar tenets of this faction, nevertheless co-operated with it in conducting the late civil war to a successful termination—to such, I propose to argue that the party represented by the majority in Congress, and by Grant and Colfax, are no longer the Union party to which their allegiance was pledged; that in fact, it is a party without principle, kept together only by the cohesive desire of public plunder; and that the measures

by which they propose to sustain themselves are subversive of the best interests of the Republic. I do not say that all of the supporters of Grant are devoid of principle. The best portion of them, like Sumner, and Phillips, and Wade, and Greeley, are crazy fanatics; men who, beginning with a misguided, but philanthropic desire to enfranchise the negro, have, by continued dwelling upon a single subject, become men of one idea; which is only another name for madness.

It is proper that he who seeks the co-operation of his fellow-citizens in effecting a political object, should frankly define his own position and fairly disclose his antecedents.

The writer belongs to the straitest sect of the "States-Rights" school. He thinks, a general confederation of the North American States eminently conducive to the happiness and prosperity of the whole; and he *knows*, that dissolution and separation are the inevitable consequences of anything like a consolidated government. He thinks, that the late civil war was the result of a silly and unconstitutional hostility to the institution of slavery; and that the only permanent political effect of the war will be that resulting from the overthrow of that institution. He considers that the Southern people, with much to complain of and much of evil to dread from the political success of their avowed enemies, were, perhaps—judging at least by the result—rash, hasty, and unwise in the means they adopted for the cure of the evil.

You will perceive, then, that there are many questions upon which you and he are as far apart as the north and south poles—questions upon which he and his party are apparently beaten for the present, but which they cherish as the sure and only means of preserving the unity of the American people. Upon these principles, at the proper time and place, we mean to oppose you, and, with God's help, to overthrow you. But this is not the time and place for the encounter. We are both now beset by a foe who threatens both of us, and who is a deadlier enemy to both than we can possibly be to each other. Our mutual relations to the Radical party are the same that two sects of religionists bear to an infidel, who proposes to overthrow all religion. I declare to you who differ so much with me on the subject of American government, that there is an enemy abroad, nay, at our very door, who threatens to overthrow all government. Before we enter upon our separate encounter, let us get rid of this common enemy.

I say, then, that the living issue of the day is not the old issue of the distribution of powers between the State and Federal Governments—an issue upon which we have met on many a well-fought field; but the present great, and for the time, all-absorbing question is, how are peace, harmony and prosperity to be restored to our distracted and suffering country?

There are two great problems staring us in the face, which we are to solve by our votes in the coming election. There are two novelties in our political condition of a most embarrassing nature, the mode of dealing with which, in reality, constitutes the great difference between the political parties of the day. Th

Presidential election establishes either the one policy or the other. I do not believe that the one party is more corrupt or more wicked than the other. The men who have been administering this government are, God knows, corrupt and wicked enough; but I have little hopes of bettering this state of things by the election of their opponents. The demoralization of the day is the demoralization of the American people; and I am afraid it is much too wide and deep to be confined to any one party. Be that as it may, we have two great problems before us; the one growing out of the anomalous condition of the, so-called, Rebel States; the other, arising from the magnitude of the public debt. The proper modes of dealing with these two subjects form the staple of difference between the two parties who are seeking our suffrages for their respective candidates. It is to us they appeal, and it is for us to decide between them. The Radicals propose to treat the Southern States as conquered provinces, and to use the negro as an engine by which to subject them to Radical rule. The Democrats virtually propose to recognize these States as members of the Union, entitled to all the rights and privileges of any other member of the confederation. As this is, perhaps, the most important of the two great questions of the day, we will, with your leave, stop to weigh the relative value of these very opposite propositions. I shall disregard, as wholly unworthy the consideration of any sensible man, all the silly clap-trap that is often addressed to you by the demagogues of both parties. I shall not appeal, on the one hand, to the passions aroused and inflamed during the war—hardly excusable in a christian people under any possible state of excitement, and altogether unpardonable in moments of calmness and deliberation—nor shall I, on the other hand, deal in general vituperation of the conduct, objects and motives of the party whose policy I oppose; but I will treat the subject as fairly and as sensibly as I know how. I am not the hired advocate of either party; and neither of them, in general politics, profess the sentiments I avow.

The Radical party consider it absolutely necessary to subject the Southern States to military rule. They say, "Yes, but only temporarily." We ask: For what length of time? The answer is: "Until, by military power, we have inaugurated a civil government, which is to be so constructed as to put the whole power into the hands of a miserable minority of the white inhabitants of those States." This is the unvarnished truth, and it is the answer that any candid Radical will make to our question of the proposed duration of the existing military governments in the Southern States. The Radical scheme is, then, to continue indefinitely a form of government in which the white majority shall be subjected to a minority composed of a few white adventurers and a mass of illiterate, ignorant blacks. I submit to every candid reader, is not this the Radical programme?

This question being answered, as it must be, in the affirmative, the next question we have to ask is, or rather the next questions are—first, is this programme constitutional? secondly, is it wise?

Do not be alarmed. I do not propose to go very deeply into the Constitution of the United States, or to dwell very long upon it. I well know, that the great mass of people neither comprehend, nor are capable of comprehending, that very unique instrument; but whilst its subtleties are perhaps beyond your reach, you are capable of understanding some of the plainest principles of civil liberty embodied in its provisions. There are certain inhibitions upon the powers of Congress contained in the amendments to the Constitution that amount to a "bill of rights," and they are often referred to under that name. For instance: it is provided that no man, unless he be in the military or naval service of the United States, shall be deprived of the right of trial by jury. This is a declaration, that all men are entitled to jury trial. But under this military government eight millions of men are denied the right of trial by jury. It is said that the people of the Southern States are a conquered people, and until they are admitted into the Union, are not entitled to the protection of the Constitution. The condition of the South is one that certainly is unprecedented. I believe that, technically speaking, the eleven Southern States are conquered territory, and that they lost their rights as members of the confederation, and can only regain them by admission through Congress. But I believe this, because *I* believe, that until they seceded they remained sovereign and independent nations, notwithstanding their close alliance with the other sovereign States of the North American continent. But *you* must be very careful how you make this admission—indeed, it would at once commit you to the party to which I belong, and against which you have been fighting all your life. More than that; there are many legal propositions, such as, that the conqueror succeeds to the debts, as well as to the estate of the conquered, that might prove to be very awkward and embarrassing consequences of such a doctrine. You must remember that, to say that these are a conquered people, is to admit that they became a separate and foreign nation. Then, was there no crime in resisting your invasion of their territory, then was there no rebellion, and no treason. Where, let us ask, would our radical orators be, if the words "*copperheads*," *traitors*, *rebels*, were clipped out of their vocabulary.

But, granting that the so-called rebel States are foreign and conquered nations, it by no means follows, that Congress may establish over them a despotic government. That they cannot become States of the Confederacy without the consent of Congress, is unquestionable, because to Congress alone is granted the power of admission. And the authority to establish some form of government over the territories has, from the necessity of the case, been so long acquiesed in, that it is almost too late to altogether deny it; but it is equally well settled that this power is by no means despotic, and that in its exercise care must be taken that no man is deprived of those rights secured to all by those provisions which, as I have said before, are sometimes referred to as constituting the "Federal Bill of Rights." That these provisions enure to the benefit of all persons within the

Federal jurisdiction was unequivocally admitted by Judge Curtis in his opinion in the Dred Scott case. This was a dissenting opinion, and it was the corner-stone of the Republican faith, and Judge Curtis was the Magnus Apollo of the free-soilers. The dominion of the government of the United States is the dominion of civil liberty, and to acquire territory is to extend the area of freedom. Wherever your arms may penetrate, they carry to every individual who may be brought within your jurisdiction, if charged with crime, the right to a "speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed." The Constitution of the United States was established to secure the "blessings of liberty," and when those who derive all their powers from it establish a tyranny, they are not only acting, as Mr. Stevens said, outside of it, but in direct opposition to its most sacred injunctions.

Mr. Douglas went much further and contended, that there was an inherent, inalienable right in every community to regulate its domestic affairs in its own way; that this right was openly proclaimed in the Declaration of Independence, and that there was nothing in the Constitution of the United States to take it away. This was his great doctrine of "Popular Sovereignty" applied to the people of the territories of the United States. With what face can the followers of Mr. Douglas uphold the constitutionality of the Reconstruction Act, an Act which establishes over the territories of the United States an arbitrary military government, depriving individuals of trial by jury, and entirely ignoring their right to manage their domestic affairs in their own way?

But, say the advocates of the bill, these people are rebels and traitors who have forfeited all right to constitutional protection. But they cannot be a conquered people and rebels too, because the two things are in their nature entirely incompatible. Unless we mean to be contradictory and wholly unreasonable, we must elect to hold them responsible either as a nation or as individuals, and having elected, we must adhere to our choice. And it will not do to consider them, now, in the one light, and, now, in the other; because the moment national responsibility begins, individual responsibility ceases. I repeat this, and want you to understand it. To illustrate: Citizens of Great Britain have come to this country and committed homicides—they have been held individually responsible, and have been punished for murder. When, however, they have been acting under the direction and authority of their own government, as in case of war, it is the government, and not the individual, that is held responsible. In recognizing the act as one of a national character, you necessarily exonerate the individual, because it is his duty to render obedience to the government of which he is a citizen, and unless he could plead the orders of his own government to a charge of individual crime, this anamoly would result, that there would be no way by which he could escape becoming a criminal; every man would be entangled in meshes of guilt from which there would be no possibility of escape—to be punished by one government if he did not obey its orders, by the other if he did.

Nor is it necessary that the government which commands his obedience have an absolute right to demand it—it is enough that the individual is within the jurisdiction, and consequently within the power of an organized *de facto* government; for the anomaly referred to above, which is the basis of the rule, would ensue equally in the case of a *de facto* or *de jure* government. If, then, the people of these Southern States were at war with the United States in obedience to the commands of a *de facto* government, they are guilty of no crime, because they have not been free agents. The unreasoning reader will ask, Could they not have withdrawn themselves from the jurisdiction of the Confederate government? But the law is not unreasoning; the makers of the law knew the inconvenience and the sacrifice resulting from a sudden and forced change of residence, and, under such circumstances, wisely excuse the man who remains and obeys the commands which he has no power to resist. But you will urge, that resistance to lawful authority is criminal, and as governments are myths, except for the individuals of which they are composed, unless the individual can be reached, crime would go unpunished. That is true, and whenever crime is committed, individuals must be responsible for it. But all we urge is, that they cannot be held responsible both individually and collectively; for this would be to punish them twice for the same offence. If you elect to treat them collectively, the punishment awarded is *war*, and if they have suffered the punishment, the offence is expiated, and they cannot, by the laws of any civilized nation, be punished twice for the same offence. I say, we must elect to treat the so-called rebels either collectively or individually, to hold them responsible for a national or individual offence; and the consequences of the one holding being so very different from those of the other, it will not do to confound them and substitute the one for the other, as caprice or a spirit of revenge may dictate. Thus, we cannot justify the confiscation or capture of the property of a female, or infant, innocent of any actual participation in the war, upon the ground that it is the property of the enemy, and that the citizen necessarily partakes of the national guilt; and, at the same time, charge another citizen of the same country with the crime of treason. If one be guilty, the other *must* be innocent.

And, too, we are to remember that if the members of a community are individually guilty of the highest of crimes, that fact neither deprives the individuals nor the community of those constitutional safeguards that are provided for the security of the stranger within your gates, although he should happen to be the vilest of malefactors.

I have not gone very deeply into this subject, because I am aware that constitutional questions are generally little suited to either the taste or comprehension of a large portion of our countrymen. You live, it is true, under a very complex and intricate form of government, and it can hardly be expected that all those of even liberal education, should be able to plumb the depths of constitution law. But the citizens of a Republic administer

the government, and to do so intelligently, it is absolutely necessary that they should understand the elementary principles of their Constitution.

In the simplest and plainest way I know how, I have endeavored to show, that if the conduct of the Southern people is to be visited upon them collectively, they have expiated their offence by the infliction of war, and their reduction to a territorial condition; if they are to be considered as individual criminals, they are to be indicted, tried and condemned under, and by virtue of Acts of Congress, none of which, it is well known, prescribe as a punishment for their offence, loss of political privileges. In neither aspect, can the establishment of a despotic anti-republican government over them be constitutional; and the frankest and ablest of the Radicals, the late Mr. Stevens, always admitted that if the Southern people had not lost or forfeited their claim to constitutional protection, this Act was null and void. Nor is this all. This Act is made to operate not only upon those persons actually engaged in the support of the Confederate Government, but upon all persons within the territorial limits of these States. Loyal whites, unoffending blacks, and the Northern emigrant, who has exercised his undoubted right of entering the territories his good right arm has helped to conquer. All within the magic circle are paralysed and subjected to the despotic wand of these political magicians.

But it is urged, and that by one of the ablest Radicals of your own State, himself a scholar and a gentleman, that the condition of things in the South is one not foreseen by the framers of the Constitution, and not provided for in that instrument. And then, upon some vague and undefined principle of right and wrong, it is claimed that the Congress of the United States, being charged with the care of the supreme safety of the Republic, may deal as they please with circumstances not foreseen and not provided for in the Constitution. The powers of Congress, it is said, must necessarily expand with the wants and requirements of the country.

This is a popular and most dangerous heresy, and whenever it receives the sanction of the people and becomes the settled doctrine of the country, there is an end, of course, to constitutional government. If the powers of the Federal Government can be illimitably expanded upon the occurrence of novel and unforeseen events, and Congress is to determine when such a state of things exists, then is the Congress of the United States vested with despotic power over the lives and fortunes of the people of the United States, and the sooner the Constitution is burned the better. I cannot argue such a proposition as this. He to whom its absurdity is not apparent, is a fit subject for the new government it is proposed to inaugurate, and if of such a majority of the American people is composed, I admit that some form of despotism is best suited to their condition. In our desire to escape from the manifest evils of the centrifugal tendencies of our confederation, we are likely to take refuge in the still more dangerous centripetal vortex.

So much for the constitutionality of the measures that the Radical party having inaugurated, propose to continue for the government of eight millions of the American people. To my mind, these measures are not less *impolitic* than *unconstitutional.*

We have in these Southern States a population of eight millions of whites, occupying the most fertile portion of the United States—a people second to none in energy, culture and courage; a race that has furnished its full quota of statesmen, warriors and scholars. Shall we make of such a people friends or enemies? Let England's experience with Ireland answer the question. We know what the products of this region have been, and how much it has contributed to the national wealth. For want of it the commerce and manufactures of the North and East are languishing. Is the Radical policy likely to restore it to us? We see the result of three years' operation of the measures they have inaugurated. The country, the finest region of the globe, a desolation and a waste; labor disorganized and society upturned; and these results the fruits of a system that can be maintained only at an expense of a hundred millions per annum; so that, instead of being a source of national wealth, this magnificent region is a national curse. Instead of eight millions of fellow-citizens contributing by their labor to the growth, strength and prosperity of the country, we have eight millions of discontented and restless subjects, ready to revolt at the first opportunity against a bondage, to which if they would willingly submit, they would be unworthy ever to become members of a Confederated Republic. Was there ever madness like this upon the face of the earth? You make a prison-house of the fairest portion of your dominions, and spend a hundred millions per annum in guarding your prisoners.

How shall we restore prosperity to a region whose capability of production equals that of one half of our entire country? Certainly, not by reducing its inhabitants to slavery. When were a people ever prosperous who were not free?

But, say the advocates of the Radical scheme, we know that a military government is expensive, that it is odious and the very opposite to that form which the United States is to guarantee to every State in the Union; but, say they, this monstrosity is only temporary and provisional—even now we are replacing these military with civil governments. And what kind of civil government, pray, is it that they propose to substitute for the bayonet? Why, such an one as can only be developed and sustained at the point of the bayonet—a civil government established and maintained in opposition to the determined will of seven eighths of the white people that are to be subjected to its operation—a civil government that falls as soon as the bayonets with which it is propped are withdrawn—a civil government that is twice as expensive, twice as oppressive, and five times as odious as the one it is intended to supplant. So true is this, that a prayer came up to Congress from this poor, oppressed people, begging and entreating that they might be continued under the

existing military government, rather than that they should be turned over to the mercy of the blacks and the worthless Northern adventurers, who are to administer this free and republican government with which our hopes are flattered.

But the means by which this bad end of subjugation is to be attained, are even more objectionable than the object for which they are used. The rifle and the bayonet inaugurated the system, and drum-head courts-martial were substituted for the jury box. But this species of territorial government is too odious to be permanent, and the ugly features of this system had to be veiled, whilst the compulsory element was not to be impaired—the substance of tyranny was to be disguised under the mask of liberty. Hence, we have all the form of civil representative government; a government, however, in which the intelligence, the wealth, and the virtue of the country are disfranchised. It is, indeed, a representative Government, but it represents nothing but vice and ignorance; and this, because, in that section, it is only amongst the vicious and ignorant that the Radical party finds its supporters.

The Radicals repel the charge that the masses of the Southern people are disfranchised because, if allowed to vote they would not support the Radical ticket; they say, they are disfranchised because they have committed treason; but this is a mere pretence, and deceives no one; everybody knows that Congress is ready to extend the right of suffrage to any rebel who promises to vote their ticket; they have done so in many cases, and there is no instance where the party has refused the boon when they have been satisfied with the political character of the applicant. Besides, the Supreme Court of the United States have virtually adjudged, that to deny the right of suffrage because of a crime previously committed, is an *ex post facto* law, which is expressly contrary to the letter of the Constitution.

I have now, I think, clearly proved to you that the only object of these obnoxious measures for the government of the Southern States, was the perpetuation of party dominion; and that to this end, the Constitution, the peace and the quiet of the country, have been sacrificed.

But it is pretended that the hostile and rebellious spirit exhibited by the Southern people after the close of the war, rendered it absolutely necessary to keep them under military surveillance. This is not true. The people of the South were tired, and God knows they had reason to be tired, of the war. They made the war in defence, as they conceived, of their legal right to the institution of slavery. The masses of the Southern people entertained a romantic love of the Union, and the only cause for alienation was what they considered the unconstitutional assaults upon an institution inseparably interwoven with their political and social systems. When they found this institution irretrievably gone, they considered that the only cause that made separation desirable had been removed, and they were willing and ready to return to the Union. Of course, like all wars, this civil war had engendered some bitterness of feeling;

but there was none that time would not soon have allayed, and that kindness and liberality would not have quickly effaced. That such was the state of things in December, 1865, and that at that period there was no need for the exercise of military power, is evidenced by the report of General Grant to the President, upon his return from his tour of observation in the Southern States. The extreme Radicals of that day, not forseeing what has come to pass, denounced this as a whitewashing report. What do they say to it now? Is their candidate unworthy of belief? But, say they, whatever may have been the feeling then, it is one of bitter hostility now. Well, and if it be so, what, pray, but the wrongs and oppressions heaped upon them by the Radical party has wrought the change? Can it be desirable to continue a system which leads to such a result? Is ill-will and discontent with the Government upon the part of so large and so powerful a portion of your fellow-citizens, a state of mind which you desire either to engender or to perpetuate? Have we not had a sufficient trial of the compulsory system; and is it not time, let me ask you, that we had tried the christian virtue of conciliation? Is it not the part of true statesmanship to redress, rather than to excite, grievances? To my mind, to hope for the restoration of a broken fellowship from "pounding," is about as reasonable as to expect a good result from the application of a sledge-hammer to a broken bowl.

The truth is, there is a bitter feeling pervading the Southern mind. Of course there is. The people of that section would be more or less than mortal were it otherwise. But it is not against the Government, but against the bad and weak men who have of late administered it, that this feeling is directed. These people dislike the authors of the insults and oppressions to which they have been subjected, as good men throughout the world ought to dislike them. But they are just in that condition, heart-broken, but not broken-spirited, when further persecution may make them desperate, and when a little justice and a little liberality would make them your friends forever.

I have shown you that the Radical plan for the government of the Southern States is unconstitutional and impolitic. I will now endeavor to prove to you that it is impracticable.

The whole plan is based upon an enforced supremacy of a negro minority over a white majority. The elevation of the negro is a chimera of a fanatical brain. He is doomed, forever doomed, in this country at least, to be a hewer of wood and drawer of water for his white brother; and this, in consequence of a prejudice against him so strong and so universal that to hope to stem it is as useless as it would be to attempt to arrest the Atlantic tide.

The proposition is to make a voter, nay a legislator of and a governor of an individual who is everywhere refused admission to the humblest mechanical guild. What watchmaker, what joiner, or what bricklayer will take a negro apprentice; or should he become a journeyman, what white man would work in company with him? He is a pariah and an outcast; he may shave your beard, cut your hair, plough your fields, clean your shoes,

or brush your clothes; but higher than these menial employments he must not aspire. So true is this, that a lot of these poor creatures, living in Washington, within the very verge of the Capitol, under the protecting smiles of a Radical Congress, sent up to that Congress, last winter a petition, setting forth their grievances, the chiefest of which was that there, in the citadel of freedom, of equal rights and universal brotherhood, nothing but the most menial employments were open to them. And for this crying evil, the learning of Sumner, and the ingenuity of Fessenden, and the zeal of Wilson, could find no remedy. How is it possible that out of such stuff as this you are going to create governors of the white race? It is a proposition against which all the prejudices of the American people cry aloud; it is a proposition so monstrous and so unnatural that all the military power of France would not suffice to enforce it in America.

We are sometimes asked—"Are there not negroes who are the equals, morally and intellectually, of white men, that are admitted to suffrage?" Undoubtedly there are, but the difference is, that the white man, or his descendants, by culture and education, may rise to the highest social position; this the negro can never attain; and it is both unwise and unsafe to admit *him* to the political, who is precluded by the insurmountable barrier of race from the social, circle. I say unsafe, because, where two races come together and amalgamation is impossible, there must be either submission or resistance on the part of the weaker race. Under such circumstances, it is the height of folly to engender the spirit of resistance and then to strengthen it. These two results are the necessary consequence of education and the enjoyment of political and social power.

Upon the question of the mode of dealing with the Southern States, there is no middle course, no half-way ground. They must be admitted into full fellowship as equal members of the confederacy, or they must be kept under strict military subjection. We must make of them friends and allies, or we must treat them as enemies and prisoners of war. The Constitution, the nature and character of our institutions, forbid any measures intermediate these two extremes.

I believe that this is all I have to say to you concerning the unconstitutionality, the folly, and the impracticability of the Radical scheme of reconstruction. No good ever has, or ever can come of it.

Upon the subject of the public debt, I have little to say. The only question, in relation to it, upon which the two parties differ, and with which we have now to deal, are the propriety of taxing the government bonds, and the disposition to be made of the large class of these bonds, the principal of which is not specially provided for. The Democratic platform declares that the holder of government bonds ought to bear, proportionately with his fellow-citizens, the burdens of that government which affords protection to both alike; and it asserts that "where the obligations of the Government do not expressly state upon their face, or the law

under which they were issued, does not provide, that they shall be paid in coin, they ought, in right and justice, to be paid in the lawful money of the United States." The Radicals ignore both of these propositfons.

These are interesting questions, and are not without their difficulties. Both propositions tend to equalize and lighten the public burdens, consummations highly desirable, if they can be obtained without a sacrifice of national faith.

The Act authorizing the issue of some of these bonds, declared that they should be free from State or Federal taxation. What is the force and effect of such a provision? With my construction of the Constitution of the United States, I cannot understand how the power of a State to subject to taxation any kind of property within its jurisdiction, can be limited by an Act of the Federal Congress. If the Federal authority may exempt one species of property, it may exempt all, and as no government could possibly exist without revenue, it follows, that the creature possesses the lawful power to destroy the creator. If Congress can exempt from taxation this species of property held within the limits of the State, then may they provide that the public lands may be exempted in the hands of an individual purchaser. This would be to authorize the Federal Government to build up in every State, a privileged class, who would enjoy all the benefits, without being subject to the burdens, of a State government. This, I think, is going a bow-shot beyond the most Federal decision of the Supreme Court of the United States, in its most Federal days.

Again, this pretended right of the bond-holder to be free from the exactions to which his fellow-citizens are subject, is the creature of legislation, and legislation, in its very nature, can never be irrevocable. Is it possible that an unwise or improvident legislature can bind its successors and fasten an intolerable burden upon posterity to the latest generation? That oftentimes a wise policy demands the tolerance of great inconvenience, when relief can only be obtained by the repeal of that class of laws, upon the faith of which individuals have contracted with the Government, is undoubted; but it is at last but a question of policy and the choice between two evils. There may be a law of this class that nobody would hesitate to repeal; there are hundreds of the same class that nobody would think of repealing.

Now, if this law, so far as the limitation upon the States is concerned, be unconstitutional, and, so far as the United States is concerned, be repealable, the original and present holders of the bonds must be presumed to have known these facts, and to have taken the bonds subject to all the consequences that might flow from them.

With respect to the proposition—to stop the interest upon the great mass of Government bonds, by discharging them as they become due, with non-interest paying greenbacks, before we can determine whether this measure, so fraught with relief to the tax-burdened masses, would be a breach of national faith—we must look at the conditions upon which these bonds

were originally taken. They were all issued under and by virtue of Acts of Congress, and the terms and conditions of payment can be none other than those therein specified. The case stands thus: By the Act commonly known as the "Legal Tender Act," it is provided that all debts, public and private, may be discharged in the currency known as "greenbacks." An Act of February 25th, 1862, provides for the payment of *interest*, in coin, on all bonds and notes of the Government then outstanding. These two are the general Acts affecting the currency in which principal and interest may be paid. The Act of March 3d, 1863, authorized the sale of seventy-five millions of bonds, bearing an interest of six per cent. On these the *principal* and interest are both made payable *in coin;* and, with the exception of the ten-forties issued under Act of March 3d, 1864, and a few five-twenties of 1864, these are the only bonds the principal of which is expressly declared to be payable in coin. All the other issues are based upon Acts providing for the payment of the *interest* in coin, leaving the principal subject to the general provisions of the Legal Tender Act.

It is under these circumstances that it is proposed to pay off, as they fall due, in legal tenders, all that large class of Government bonds the principal of which, by no express provision, is taken out of the purview of the Legal Tender Act. The advocates of this policy are not confined to the Democratic party. The late Mr. Stevens, and several other Radicals---some of their names would add nothing to the moral force of the argument—unequivocally declared that they might be so discharged, without violating either the letter or the spirit of the contract; and, indeed, it is difficult to see how it can be otherwise. With a knowledge of the law under which they were issued, which everybody is presumed, and must be presumed, to have known, these bonds were purchased. In gold, they were paid for at the rate of from 40 to 50 cents, an average, say, of 50 cents on the dollar. The holder, for five years, has drawn interest, in gold, at the rate of six cents on the hundred—that is, at the rate of twelve per cent per annum on his investment; and now, when it is proposed repay them in greenbacks, which in gold would be about 70 for his 50, the gentleman bond-holder becomes highly indignant, and charges the honest people of the country, who for five years have toiled and sweated in his service, with repudiation and breach of faith. What insatiate leeches are these, who are sucking the life-blood of the country!

One word more upon the subject of repudiation. It is an ugly word, and is expressive of an ugly thing. But it is enough to make one's gorge rise to see and hear the members of the present Congress turn up the whites of their eyes, draw down the corners of their mouths, and groan, at the very suggestion of repudiation. Why, they are covered all over, from the crowns of their heads to the soles of their feet, with the slime and filth of repudiation. They have repudiated the most honest portion of the public debt; they made it a condition precedent to the admission of the Southern States, that they should debase themselves

to their own level by an act of repudiation; and they lowered the standard of public and private morals by authorizing individuals to repudiate their debts. Each and every one of these charges I am prepared to substantiate.

First—When they passed the Legal Tender Act, they not only paid the then existing debts of the Government in a depreciated currency, but, they authorized and invited every citizen to do the same, a privilege of which, to their honor be it spoken, the people of California indignantly refused to avail themselves.

Secondly—I say that the Radical Congress has repudiated the most honest portion of the public debt. They have passed repeated Acts forbidding the Court of Claims and the Departments from taking cognizance of any claims, preferred even by loyal citizens, for any property taken and used by the army and navy during the war. These claims have been estimated to amount to three or four thousand millions. Mr. Stevens, the Chairman of the House Committee on Appropriations, reckoned them at the former sum; and Mr. Wilson, the Third Auditor, thinks they might be brought within the latter.

Now, if there is one portion of this people more entitled than another to the favorable regard of the Federal Government, one would suppose it to be that portion of the Southern people who remained true to the Federal cause. And yet, when they come up to the Capital and ask to be paid a fair compensation for their private property, taken for the public use, those who administer the government they helped to sustain turn their backs upon them, and refuse even to listen to them. And at whose instance and for whose benefit, think you, these acts of repudiation were passed? Why, it was done at the behest of these same bond-holders, who were afraid that the value of the public securities held by them would be impaired if the unaudited debt should even be audited. And it is these very same repudiating bond-holders who pretend to be horrified at what they unjustly stigmatize as the repudiating feature of the Democratic platform!

In all this I have stated nothing but facts, which an examination of the record will verify.

Far less objectionable is a military government, with the South in a state of pupilage, than these proposed civil governments, with the negro element incorporated into them. Under a military government the Southern people would have the sympathy of freemen throughout the world; but the suffering and the evil would be confined to their own borders. The moment you bring the negro upon the stage you force him upon us as a partner in the public councils. This is a point that was quite overlooked by the authors of the Chicago platform. It was a motley crew that met to frame this enunciation of principles. The only honest element in their composition was the original abolitionist, the negro absorbed fanatic. He was quickly disposed of. His doctrine of "impartial saffrage, and no distinction on account of race or color," was too unpopular to be embodied in an available platform. Notwithstanding, therefore, the distinguished ser-

vices of those shining lights, Sumner and Wade and Wilson and Chase, their notorious use of what had been the shibboleth of the party, was sufficient to taboo them and cause them to be postponed to a man thoroughly dyed in the aristocracy of the army, and one, strange to say, who had authorised Senator Doolittle to tell the people of Wisconsin that a persistence in the radical plan of reconstruction, would, in his opinion, result in the most deplorable consequences. So far the conduct of the members of the Chicago convention was unexceptionable. They ignored their fatal doctrine of the equality of races, and selected as their representative an individual avowedly opposed to their destructive measures. In this Phillips and Greeley charged them with a desertion of principle. Well would it have been had they stopped here. But whilst they abandoned the negro generally, because he was unpopular in the free States, they proclaimed their intention to make him an instrument of party control in the South. They said—We abandon the negro and the doctrine of the equality of races; we propose to give him the control of the white men of the South, not because of his merits, which, if asserted, would force us to claim for him the right of suffrage everywhere, but for the purpose of punishing rebels and as the only means of sustaining our party supremacy. This they considered would be unobjectionable to the voters of the Northern and Western States. Ohio, that had rejected the proposition of negro suffrage by fifty thousand votes, could not possibly object to having this great evil forced upon the people of the South. They made no account of a sympathy for the suffering of others; that was a feeling outlying the sphere of their humanity. But this they forgot, that if the people of Ohio were so bitterly opposed to negro participation in their State government, they could not but object to the introduction of this element into the Federal government. They forgot that it was against any governmental partnership with the negro, either State or Federal, that the people had so loudly proclaimed. And if you, the people of California, are unwilling that the negro should share with you in administering the powers of government, how can you support the party who are determined to make him your equal in the Federal legislature?

In view of the fact that there is nothing in the platform upon which Mr. Seymour stands to commit you to what you are pleased to call the heresy of secession; since, indeed, that "heresy" is therein explicitly repudiated, and that the only issues between the two parties are the distinct and opposite modes in which they propose to deal with the Southern question and the public debt, can you hesitate between them? I am no croaker; much less do I desire to appear as threatening the Radical party with forcible resistance to their administration of the government, should they succeed; but there are some measures so abhorent to the prejudices of a minority, that they will not be yielded to a bare, or to an apparent, majority. To this class, in my humble judgment, belongs the proposition to elevate the negro over the white race at the South, a proposition that constitutes the corner stone of

the Radical pragramme. Upon this proposition the South is an unit, and the North and West, to say the least, are very nearly equally divided. It cannot possibly be carried out without engendering great excitement! Is there anything about the plan that justifies the risk we run in its enforcement. Quiet and peace, that quiet and peace for which we are longing, will never be restored to the country until the idea of putting the Chinese and the negro on a level with the white man, is abandoned, or, at least, removed from the political arena.

Upon the merits of the respective candidates I have little to say; indeed, before such important principles as are now at stake, individuals pale into insignificance. Mr. Seymour is one of the most accomplished statesmen of the age, with a character for integrity that the breath of calumny cannot sully. If ever there was a period in the history of our country when we needed the guiding hand of a statesman, that period is upon us. General Grant is without culture or political experience. We here in California have known him—he has lived in our midst. When we knew him, if by any chance he had received a nomination for supervisor of the county of San Francisco, the "People's Party" would have indignantly denounced him as unfit by nature, education, or habits, for the position. I know of no improvement in him in any of these respects since that day.

It is sometimes said that General Grant is a conservative, and that he will never lend himself to the extreme views of the Radical party. I know nothing about General Grant to warrant the aspersion upon his integrity implied in this assertion. He accepted the nomination upon the Chicago platform; in doing so, he pledged himself to the doctrines and measures it announces as the principles and views of the party. It is these doctrines and measures that we arraign, and if General Grant holds other views upon which he intends, if elected, to administer the government, then is he a traitor, and unworthy the confidence or support of any party.

I have now, in a plain way, without figure, trope, or metaphor, placed my views before my countrymen; I express my own sentiments, and speak for myself alone. What I have written, I have written without conference with any other human being, and I can hardly hope that it will be entirely acceptable to either of the two parties into which the country is divided. I think by this time you will be satisfied that I have no selfish object in view, and that I have been moved to the course I have pursued solely by a desire to secure a common good to our common country; and with the hope that I have at least suoceeded in inspiring that feeling, I take my leave of you. Knowing that the name of the author would add nothing to the weight of his argument, I am content to subscribe myself,

YOUR FELLOW-CITIZEN.

ADDRESS

OF THE

NATIONAL UNION

State Central Committee

TO THE

PEOPLE OF CALIFORNIA.

SAN FRANCISCO:
ALTA CALIFORNIA GENERAL PRINTING HOUSE,
529 California Street.
1866.

ADDRESS.

National Union
State Central Committee Rooms,
San Francisco, Sept. 26, 1866.

To the People of the State of California:

The importance of the issue between the President and Congress, and the practical influence upon the decision of that issue, which the action of the people before the meeting of Congress, in December next, must exert, render it desirable for the citizens of each State of the Union to give authoritative expression to their views, to the end that the existing difficulties may be settled in such a manner as to preserve the national unity and the national honor, individual liberty, and the Constitutional rights of the States.

Believing that the rehabilitation policy of President Johnson presents the only practicable mode

of securing the ends for which the late war was prosecuted, and of perpetuating the existence of free representative government in the United States and that the reconstruction policy of the Congressional majority is subversive of those ends and calculated to divide and distract the country, and to disturb the equipoise of our Republican institutions, and realizing that in all organization the initiative must be taken by a few persons, the undersigned have the honor to submit to the people of California a brief statement of what they conceive to be the real questions between Congress and the President, and of the argument by which the policy of the President is justified, and to suggest a plan of action by which those who agree with the Administration may give to it in the present crisis an united and effective support.

The facts of the late war are fresh in the memory of the people, and the able address of the Convention recently held at Philadelphia, together with the many speeches and documents which have been circulated within the last few months, in which the questions growing out of the restoration of peace have been discussed, has narrowed the duty we have

assumed to the simple task of condensing and arranging the arguments which have been already fully elaborated and placed within the reach of the public.

When, in 1861, the Southern States attempted to withdraw from the Union, the people of the United States were divided into the following classes:

IN THE DISLOYAL STATES:

1. Radical Secessionists, who had been long scheming to destroy the Union, and to form a Confederacy composed of the Slave States.

2. Conservative Secessionists, who recognized the doctrine of Secession, but were willing to remain in the Union until overcome by a voting majority in their respective States, or until what they deemed some further and more flagrant invasion of Southern rights was committed under a Republican Administration.

3. Conservative Unionists, who repudiated the doctrine of secession, and who were in favor of the preservation of the Union until the organization of the so-called Southern Confederacy, when they acquiesced in the situation.

4. Radical Unionists.

IN THE LOYAL STATES:

1. Radical Abolitionists, who looked forward to a complete change in the social and political condition of the Southern States, but were willing to concede the right and to submit to the fact of secession, trusting to peaceful agencies to accomplish their purposes.

2. Radical Abolitionists, who were identical in opinions with the class last named, except that while recognizing the various acts of secession and the independent existence of the Southern Confederacy, in order to carry their own theories into effect, they favored an aggressive war for the purposes of conquest and subjugation.

3. Men of all parties whose political creed in time of danger was the indestructibility of the Union under the Constitution, and who regarded all other questions as subordinate and subsidiary to this cardinal article of their faith.

4. Sympathizers with the rebellion.

In the South, as is well known, after the commencement of hostilities, when individual and sectional pride were drawn into the contest, and the destruction of the institution of slavery was threatened, all parties, except the Radical Unionists, be-

came united, and, under the pressure of apparent necessity, the war was vigorously and persistently conducted to the point of utter exhaustion. In the North, removed from the scene of active military operations, discussion was constant and bitter, and the arguments of the radical and belligerent abolitionists furnished the texts of the European press and of European statesmen, by whom we were charged with waging an unjust and oppressive war against a people entitled to their independence, and struggling against superior numbers and superior wealth. The great body of the people, however, were not misled. It was seen that the Constitution under which the Union was established did not provide the means for its own destruction, and therefore that secession could not logically be justified; and the public mind readily perceived that two rival republics, founded upon antagonistic social systems, could not co-exist upon the territory embraced within the United States, and therefore that the permanence of our Republican institutions and the preservation of our individual liberty depended upon the unity of the nation. These considerations determined the popular judgment and controlled the policy of the war.

The acts of secession were treated as absolutely void. The self-styled government of the Confederate States was regarded as without lawful existence, as possessing a merely usurped and temporary authority in fact, wholly dependent upon the military forces by which it was protected, and as incapable of any act in its official capacity which the Government of the United States could recognize. In short, the Constitution being justly interpreted to prohibit secession, every act done by individuals and by communities in violation of that instrument, was necessarily considered and treated as a nullity, and the war, on the part of the United States, was carried on simply to suppress rebellion and to enforce the laws.

It must be remembered that the theory under which the war was prosecuted was not affected by the magnitude of the struggle, or by the numbers engaged by or in it, the peculiar conditions and circumstances collaterally connected with it, or by the unanticipated results which flowed from it. There were great armies in the field, and between them the rules of honorable warfare were observed, and there were obvious peculiarities in the situation of the contending parties, which, in the interests of hu-

manity, compelled a sort of informal negotiation. But on no one occasion was the legal existence of the Confederate Government, or the validity of any of its acts admitted; on no one occasion was it conceded that the number of States in the Union after the attempted acts of secession, was less than the number before those acts; and in all the acts and declarations of Congress, and of the executive officers of the Government, up to the close of the war, we believe that it would be impossible to detect a single instance of departure from the position we have attempted to define.

To the simplicity and justness of this position, so fully comprehended and so frequently explained by Mr. Lincoln, the successful termination of the struggle may be fairly attributed.

The assertion of the indestructibility of the Union involves the assertion of the indestructibility of the States of which the Union is composed. It follows, therefore, that, during the war, Virginia, Alabama, Georgia, and all the Southern States, although a majority of their inhabitants were in rebellion, were as much States within the Union as they were before the war, and that the acts of their Legislatures, Governors, and other officers duly elected and quali-

fied, were valid or illegal precisely as they agreed or conflicted with the provisions of the Constitution of the United States. The test by which those acts are to be tried in every instance is the Constitution. If a law was passed in the interest of rebellion, that law was void because unconstitutional. If a Sheriff hung a prisoner regularly convicted before a State Court organized under State laws, the act was valid because constitutional. Individuals, not States, or counties, or cities, were guilty of rebellion; and upon them, in their individual capacity, the consequences of their violation of the law must rest. These plain illustrations show the logical completeness and practical justice of the theory announced by Mr. Lincoln and by Congress in 1861, and persistently followed until the end of the war in 1865.

The war did not *restore* the Union, because the Union was never disrupted. It simply, by a severe example, proved that the people of the United States possess, and will constantly exercise the power to *maintain* the Union against all internal convulsions. It also, but only as a means to this end, destroyed slavery, and purged the South of the most dangerous element in its institutions. At its ter-

mination, the country, in point of law and political organization, was in exactly the same position as in 1860. A very large number of persons had laid themselves liable to the penalties of treason, and we had to face the material results of years of military and naval operations upon an almost unprecedented scale. But the Constitution and the laws remained intact; the different States remained intact, and all the obstacles which had prevented communication between the General Assembly of the nation and a portion of its constituents were removed. It only remained for duly organized communities throughout the country to resume their constitutional functions, for the Government to punish or pardon individual offenders against the laws as justice or policy might dictate, and for the people themselves to repair the ravages which the struggle had caused.

Such was the posture of affairs at the close of the war. Mr. Lincoln, originally a Whig, entertained and had uniformly acted upon these views, and when, by his untimely death, the nation was deprived of one of the greatest and best of its Chief Magistrates, Mr. Johnson, originally a Democrat, took up his policy where he left it, and to that policy faithfully adhered.

In this course the people acquiesced. The results of the war were accepted in good faith by the South, and in the North a degree of magnanimity never before witnessed in the flush of victory was shown, and which gave the best possible guaranty for the stability of our institutions.

All over the country our citizens returned to their customary vocations, and law and order were everywhere substantially restored. In the States lately insurgent, the Federal Judiciary, the Federal system of taxation, and all the laws of the United States, were placed in full operation. By these States the amendment to the Constitution giving a constitutional sanction to the abolition of slavery was ratified, and the various acts of ratification were accepted by Congress.

The one thing wanting to complete the process of rehabilitation was a full representation of the whole Union in the Congress of the United States, and the essential point now to be decided is whether the States whose inhabitants had rebelled were or were not entitled to representation on the restoration of peace. This really condenses the whole issue between the President and the majority of Congress.

It would seem to be almost a work of superero-

gation further to argue this question. The war could only be justified on the score of the inherent indestructibility of the Union, which, as we have shown, involves the inherent indestructibility of the States. The States, then, were intact when the war commenced, and they were intact when the war ended. Therefore, they were entitled to representation as expressly secured by the Constitution; and, as this right is fundamental, Congress has no constitutional power to annex any conditions, or to place any limitations upon its exercise. The right of that body to judge of the personal qualifications of its own members we do not question; but that right belongs to the Congress of the Union, composed of all the States of the Union, and, while it may be used to exclude individuals, it cannot be employed to deprive the States of the representation which irrevocably belongs to them under the organic law of the land.

If individual citizens have violated the law, they may be punished by law. If any extraordinary legislation by Congress is needed, that body possesses the power within the Constitution of enacting the necessary laws. If the Constitution itself requires to be amended, there is a lawful mode of

amending it. But for Congress to assert the power to deprive any State within the Union of its right of representation, is to assert the power to deprive every State of representation, and in effect to destroy the Government; is in direct antagonism to the theory under which the war was prosecuted; is an admission of the right and of the fact of secession, and, if persisted in, can only result in the subversion of the objects for which a million of lives were sacrificed, and three thousand millions of money expended, and in the virtual destruction of the liberal and progressive institutions which these great sacrifices were made to maintain.

That conciliation after victory is the wisest policy, the experience of all free nations attests, and it is apparent that the only hope of conciliation, the only ascertainable basis of re-adjustment, in our country is the Constitution. That ignored, or perverted, to secure the ascendancy of a particular section or of peculiar ideas, the Union will indeed cease to exist, and this great and prosperous nation will present the melancholy spectacle, so often predicted by political writers, of section warring against section and State against State, while, in the midst of the general confusion, selfish partisans, struggling

for the dominancy of the jarring and clamorous interests they represent, will obscure all statesmanship, and destroy the last and best hope of the lovers of human freedom throughout the world.

A state of intensified discontent in a large part of the Union must be injurious to the whole.

But California is especially interested in a speedy settlement of the question between Congress and the President.

This is a new State, possessing resources and interests which require the fostering influence of peace and the harmonious union of all the communities with which she is associated, and a prolongation of the controversy must drain her of the capital and deprive her of the population she so greatly needs.

Fellow citizens: While the wisest and best men, both of the North and the South, are earnestly uniting for the complete restoration of peace and harmony; while the defeated soldiers of the dead Confederacy are entrusting their destiny to the victorious soldiers of the living Union; in this critical hour, when the very essentials of liberty are at stake, let it not be said that California failed in her

duty. Bought by the whole nation, developed by the whole nation, identified in all her interests with the broadest freedom and toleration, and containing no element of population or of production that should render her contracted, bigoted, rapacious or revengeful, let her put on the "armor of light," and stand firm in defense of a truly national position and of the highest interests of liberal and Christian civilization, casting no bitter, scornful glance upon the erring brethren who have returned to the home made for them by the fathers, but looking upon them and upon the people of the whole Union with that equal affection upon which alone Republican unity can rest.

In conclusion, we earnestly recommend the immediate formation of Clubs and County Committees throughout the State, in order that an effective support may be given to the policy of the President; and we invite the co-operation of all persons who endorse the views put forth in this address and who are in favor of placing this State in harmony with the National Union Party.

The officers of all Clubs and Committees are requested to communicate with us, to the address of our Secretary, so that in due time a State Conven-

tion may be held, and a thorough representation of the supporters of the administration of the President effected.

A. J. GUNNISON,
CHAS. MACLAY,
JOHN CENTER,
GEO. W. HAGAR,
W. H. CULVER,
DELOS LAKE,
EDWARD STANLEY,
J. W. WILCOX,
E. O. BROWN,

M. S. WHITING, Chairman,

I. N. THORNE, Secretary,

National Union State Central Committee.

2

PROCEEDINGS

OF THE

SAN FRANCISCO

UNION RATIFICATION MEETING

HELD AT

UNION HALL, SAN FRANCISCO,

TUESDAY EVENING, June 25, 1867.

SPEECHES BY

Hon. H. J. TILDEN.
Gen. J. F. MILLER,
Hon. JOHN CONNESS,
Hon. F. F. LOW,
Hon. F. M. PIXLEY,
Rev. Dr. COX,
Hon. J. W. DWINELLE,
Rev. M. C. BRIGGS,
Hon. G. W. TYLER,
Hon. W. M. STEWART.

[REPORTED IN PHONOGRAPHIC SHORTHAND BY ANDREW J. MARSH.]

Published by authority of Union State Central Committee.

READ AND CIRCULATE THIS DOCUMENT.

Union men who may receive a copy of this pamphlet, are requested, after reading the same, to give it to some Union neighbor to read.

Respectfully,

H. J. TILDEN,
EUGENE L. SULLIVAN,
R. T. PECKHAM,
ALVINZA HAYWARD,
GEORGE W. RYDER,
H. R. REED,
JOHN P. SHELDON,
E. W. CASEY,

Executive Committee.

PROCEEDINGS

OF THE

UNION RATIFICATION MEETING

OF SAN FRANCISCO.

In pursuance of a call issued by the State Central Committee, a meeting of the Union citizens of San Francisco was convened at Union Hall, on Howard street, on the evening of Tuesday, June 25th, for the purpose of ratifying the ticket placed in nomination by the Union State Convention The gathering was immense and enthusiastic. National flags and evergreens surrounded and adorned the walls, while upon the platform were conspicuously arranged portraits of Lincoln, Broderick, Grant, Baker and T. Starr King. A brass Band in attendance made eloquent music at the opening and closing, and filled the interstices between speeches with patriotic strains; while without, bonfires and fireworks blazed and scintillated. The spacious gallery and the seats in front of the platform were devoted mainly to ladies, a multitude of whom graced the meeting, and all the rest of the available sitting and standing room was crowded early with earnest and zealous Union men.

Speech of Hon. H. J. Tilden.

At eight o clock, Hon. H. J. TILDEN, Chairman of the Union State Central Committee, called the meeting to order and said:

Fellow-citizens: We have met here to-night to ratify the action of the Union State Convention and endorse its nominees. (Applause.) Distinguished speakers will address you this evening and set the ball in motion, which will roll up on the 4th of September next a majority that will place California in the front rank of those States which maintain that the success of the Union Party is necessary to the preservation of the national Union (applause); a majority which will bring greeting to our sister States that have stood side by side with California in sustaining our Government while engaged in putting down the late gigantic rebellion; a majority that will secure to ourselves an able and faithful administration of our State Government, through the election, as our next Governor, of GEORGE C. GORHAM. (Applause and cheers)

For the purpose of organizing this meeting, I move that General John F. Miller act as President of the meeting.

Mr. TILDEN put the question on the nomination of Gen. Miller, as President of the meeting, and he was unanimously elected.

Speech of Gen. Miller.

Gen. JOHN F. MILLER came forward, was introduced, and greeted with three cheers. He said,

Gentlemen: I thank you for this mark of your kind consideration, in choosing me as President of this meeting. It should be, I think, esteemed a high honor, and such I count it, to belong to that great Union party that sustained our armies in the field during our great civil war—that party which may rightfully claim the flag of the Union as its banner. (Applause.) You will not expect me on this occasion to detain you with any remarks of my own, as distinguished gentlemen have been appointed to address you, and I will content myself by merely saying that I have come up here this evening to renew my allegiance to those great principles which form the basis of our party organization. (Applause.) I have heard on all sides that a campaign is about to be commenced, and I crave the privilege of enlisting, as a humble private, in that campaign. I trust that this army may march on to victory. The war should be begun in earnest. There should be no backwardness, no shirking, no falling out by the way. California expects every man to do his duty. (Cheers.) If you will stand firmly by your guns, victory will crown your efforts. (Applause.)

Gentlemen, again I thank you for your kind partiality.

Further Organization.

JUDGE TILDEN,—*Mr. President:* I move that the following named gentlemen act as Vice-Presidents of this meeting:

J. J. Felt	Annis Merrill
A. J. Bryant	Fredk. MacCrellish.
Ira P. Rankin	George Barstow
Wm. Sherman	Judge R. J. Tobin
Eugene L. Sullivan	A. J. Shrader
H. J. Booth	Nathaniel Page
J. Burke Phillips	Franklin L. Jones
A. Seligman	Chas. R. Peters
Jacob Bacon	Col. F. G. E. Tittell
Frank Soule	Chas. Mintura
A. J. Pope	W. H. Davis
L. C. Gunn	Wm. Greenhood
Dr. George Hewston	Louis Cohn
Horace M. Hastings	Joseph Weed
Samuel Brannan	E. N. Torrey
Louis R. Lull	Alexander Martin
Charles H. Stanyan	Thomas O'Brien
Dr. J. D. B. Stillman	P. B. Cornwall
David Dwyer	Dr. Washington Ayer
Munroe Ashbury	Henry Dutton
W. H. Gawley	James Dows
Joseph T. Pierson	George Hudson
Dr. Henry Gibbons	J. P. H. Wentworth
W. H. Sears	Jas. R. Hardenbergh
Gardiner H. Elliott	D. B. Arrowsmith
Capt. E. H. Morton	H. F. W. Hoffman
A. W. Scott	W. W. Lawton

The motion was put, and the gentlemen named were unanimously chosen as Vice-Presidents.

JUDGE TILDEN: I propose the following to act as Secretaries of the meeting:

Alfred Barstow	D. F. Verdenal
Noah Brooks	Wm. H. Barton

Marcus D. Boruck

The question was taken and those gentlemen were elected unanimously as Secretaries.

The Resolutions.

HARVEY S. BROWN, ESQ.: As this is a ratification meeting, Mr. President, I beg leave to offer the following resolutions for the consideration of the meeting.

Mr. M. D. BORUCK, one of the Secretaries, read the resolutions, as follows:

Resolved, That this meeting, assembled in the name of the Union Party of San Francisco, containing representative men from nearly every county in the State, does most cordially endorse and ratify the nominations made by the Union State Convention which assembled at Sacramento on the 12th inst.

Resolved, That in the person of George C. Gorham, selected to bear the standard of the party at the head of the Union column in the pending contest, we recognize a man of the people, of spotless integrity, whose record for loyalty has been distinctly made and stands unimpeached, and in whom we have the most unbounded confidence, when selected as chief executive officer of the State, that he will so discharge the duties of his office as to merit the plaudits of the people, and keep the State true to its tried fidelity to the National Government.

Resolved, That the City of San Francisco, honored by the choice of one of its citizens to head the Union State ticket, hereby pledges itself to stand by him truly until his election shall have been secured.

Resolved, That the Union Party is the only loyal party of the country. It met the enemy on the threshold of a gigantic rebellion; grappled with him in the fury of a life and death struggle; vanquished him amid the smoke and carnage of battle; and having won the proud victory which preserved the Government from disruption, is now the proper custodian of the Constitution and the flag.

Resolved, That the Reconstruction Act of Congress—conceived in patriotism and matured in wisdom—is the safest, the mildest and most certain measure to insure obedience to the Federal laws; and that the party which, by oral threat, written resolution, or declamatory argument, attempts to hinder or obstruct its enforcement is false to the country, an enemy to the best interests of the Southern people, and unworthy to be entrusted with the destinies of a State or of a Nation.

Resolved, That recognizing in the platitudes of the so-called Democratic platform of this State a bald reiteration of the sentiments which rendered the party odious during the rebellion, we hereby solemnly denounce its heresies as unsuited to the tone and temper of a loyal people—as derogatory to the memory of the great party whose name is desecrated to give it endorsement, and as a pernicious creed, which, if the people are true to themselves, will be utterly repudiated at the ballot box.

Resolved, That if we did not know the authors of this platform to be Copperheads, we might imagine them to be descendants of the Bourbons, who in the day of their besotted power learned nothing, and in their disgrace forgot none of the vices which led to their overthrow.

Resolved, That the mission of the great Union Party will not have been fulfilled until the laws of the land are obeyed by every State in the Union; until treason is silent and traitors compliant; until the time has arrived when the loyalist is secure in life and property, from the American Russian Possessions to the Gulf of Mexico; and that to desert it now, when the fruition of its hopes is about to be realized, would be to display the poltroonery of the coward, the lust of the political adventurer, and the baseness of him who would make a marketable commodity of his honor.

Resolved, That we, a respectable gathering of the Union voters of San Francisco, hereby decree that the Union Party shall live, and that on the 4th day of September next, the ticket which it has selected to represent its loyal principles shall be elected by a triumphant majority.

The resolutions during the reading were enthusiastically applauded.

Speech of Senator Conness.

HON. JOHN CONNESS, one of the United States Senators representing the State of California, was introduced, received with cheers, and spoke as follows:

Mr. President, Ladies and Gentlemen: We meet here to-night, in accordance with a usage of the party, for the purpose of ratifying the action of the assembled representatives of the Union party of California. I have no doubt, fellow-citizens, from the indications already received, that that endorsement and ratification by you to-night will be hearty, sincere and true. (Applause.) We are asked, at the very threshold of this great campaign that is to determine whether the banner of the Nation shall be upborne in California, to lower our flag. We are asked by some men, either inside or outside of the Union organization, to do this, by joining with them in casting unworthy aspersions upon the gallant leader who has been chosen for this great war. No, Mr. President and Fellow-Unionist of California, it shall *not* be done. (Applause.) It becomes me, I think—and I know this meeting will pardon it, if not welcome it—that I should make some allusion to our standard

bearer: that I should at least make a passing allusion to this habit that has grown up—grown in assumption, cherished in conceit, nursed in want of loyalty—which consists in the constant aspersion of the character of men—the character of public men—undeserved, unwarranted, and striking at the very root, and at the virtue of our Republican institutions. Why, fellow-citizens of San Francisco, it is scarcely a year since he who now addresses you has been painted to you in such colors that, were there the slightest foundation of truth in the portraiture, he would be unfit to take rank as the humblest citizen, much less to occupy an honored place in the Senate of the United States as a representative of your State. But let me say, fellow-citizens, for myself, that nothing of that kind has ever been said or done which has left a single wound or scar upon me. I put it all behind me; I bury it with the past; and I stand before you, I think, credited, by some of you at least, with having performed my duty as you would wish it performed. (Applause.) The discussion of the character of public men is a public right in a Republic. Far be it from me to object to it. I invite, as every public man should, the use of the scalpel, that deformities may be exposed, or removed if they exist. But, fellow-citizens, the manner in which this should be done, the extent to which it should be done, and the time and occasion upon which it should be done, are matters of grave consideration.

I know the citizen who has been chosen by the Union party of this State as its great representative leader. I know him to be a man of true heart, of honest, inherently honest nature, of chivalric courage, that is never appalled by danger in the service of the Republic (applause); and if my word is worth any thing to the people of San Francisco who do not know him, without intending any reflection upon those who have gone before him, I pledge that word in behalf of such an administration of the public affairs of this State, if he shall attain power—as he will—as this State never yet has had. (Applause.)

There have been times, fellow citizens, within the last ten years, that have tried and tested the patriotism of our people; and during all those years George C. Gorham has been as true as steel.

[Here the speaker was interrupted by the entrance of the First Ward Union Club, headed by a brass band, and bearing banners and transparencies, acting as an escort to the Young Men's Union league.]

Mr. CONNESS proceeded, after the enthusiastic cheers of reception had subsided: We are told, fellow citizens, at this time, when the great issues growing out of the war are but just beginning to be settled, when a party stands pledged to intervention and destruction of the policy of Congress in respect to those issues, that we must not vote for a Union Governor of California, and that while we are not to vote for a Union Governor we must be certain to elect a Union Treasurer. Fellow-citizens, I do not understand war. We must elect a Union man to every office, and over and above all, we must elect a chief who is to represent the power of our party, the integrity of our State and our loyalty abroad. (Applause.) Is it in vain to advise that we can do our duty to our constituents, to our country, and to the Union sentiment of the nation, by doing less than that—by failing to cast our ballots for our gallant standard-bearer. (Applause.)

Shall we allow his opponent to be elected? He has been placed before the people of this State, and it is proposed by the party which has nominated him that he shall represent the executive power of our young and gallant State. Fellow-citizens, I hold in my hand a part of his creed, made by himself at a time when the honored President of this meeting was gallantly fighting the enemies of his country upon many a bloody battle-field (applause); when President Lincoln was beset by perils such as never before encompassed a public man; when to sustain him was to sustain the nation, and when to abandon him was to abandon the nation. What then was the counsel of the standard-bearer of the so-called Democratic party? I will ask the Secretary to read a few extracts from the paper which I hold in my hand. It is the *Democratic Press*, good Democratic authority, edited, printed and published by one Beriah Brown. (Ironical Laughter.) It is dated October 31st, 1864, and contains a report of a speech delivered by Mr. Haight in this very Hall, on the evening of October 29th, 1864, which I desire read.

The Secretary, Mr. M. D. Boruck read as follows:

Mr. Haight's Speech.

For fifteen years he had not spoken upon political topics; nor would he now, did he not think that on the result of this election depended the salvation of the country.

Who was our candidate? He alluded in terms of eloquent eulogy to McClellan, and said he was worthy to be the candidate of a great party, with whose history the glory of the nation was intertwined.

He could not repress his exultation in having the privilege of voting for such a man. The world had not produced many such noble men. Notwithstanding the vile abuse which dirty partizans had poured on his head, he was better for it. Like the traveler who drew his cloak more closely about him when the storm raged, so with McClellan. The more dirty abuse the enemy heaped upon him, the more we like him. (A voice—"We mean to elect him.") "That we will," said the speaker.

When a man has "honest" prefixed to his name, it is generally supposed that he will steal. Conness and Lincoln are two such men. (Cheers and Laughter.) The speaker drew a parallel between the two worthy gentlemen named, and said that for fifteen years they had been devoted to congenial pursuits—Conness in California, and Abe in the "Sucker State." He bitterly inveighed against the unmanly assault which Conness had recently made at Platt's Hall, upon men who were his superiors in all that was manly and noble. Spoke of Lincoln's "honesty," and quoted Senator Wade and Representative Henry Winter Davis on the subject, wherein those two high priests in the Abolition Church charged him with offences which, if true, would send him to the penitentiary. He quoted Senator Hale on the same subject. Men are known by the company they keep. Lincoln is surrounded with such creatures as Stanton, whom he could no more fittingly allude to than in the words which Benton once used to an opponent; "He is a great liar and dirty dog." He would not particularize all the scoundrels in Washington, for only ten days remained before the election, and he would not be able to get through.

In contrast with the vulgar jester Lincoln, take the gallant soldier McClellan. He then eulogised the in-

tellectual and social qualities of Gen. McClellan, and said that the Democratic party was determined to assign him to the command of the "White House," in place of "honest" old Abe.

The speaker next went into a brief argument upon the powers of the different departments of the Government, and charged Lincoln with usurping powers that no department possessed. He claimed powers of legislature which even Congress did not have. The emancipation proclamation sweeps millions of property away without any authority. He spoke of the fruits of that proclamation, and read from the Chicago *Tribune*, an abolition paper, which told how General Steele was beleaguered in Little Rock, Arkansas, with 30,000 men, and guerillas swarming all around him. All that State had been surrendered but Little Rock and Duval's Bluffs. Under the policy of confiscation, emancipation, devastation, and spoliation, the Union never can be restored. The speaker alluded to an article which appeared in the *Atlantic Monthly*, from the pen of Robert Dale Owen, and said it would take three hundred thousand men, and six hundred millions of dollars per year, to carry out its ideas, which were endorsed by Lincoln and Sumner, and said that the country would sink under it. As a mere matter of dollars and cents—leaving out all other considerations—it would be impossible to stand it. The speaker made a few further remarks, and gave way to ex-Governor Stanley.

Mr. CONNESS (proceeding). *Fellow-citizens:* I I desired that that portion of the speech of the Democratic candidate should be placed at this time before you, and before the people of this State, and therefore I have asked your Secretary to read it. Mr. Haight did not like the "vulgar jester Lincoln;" Mr. Haight objected to the proclamation that gave freedom to four millions of human beings. (Applause.) Mr. Haight could find no better language in which to allude to that great and distinguished man, and eminent patriot, Edward M. Stanton, than the foul words "liar and dirty dog." The name of Stanton, and the memory of his acts, will live after Haight's name, and the snakes who are with him, shall be rotten and forgotten. (Applause.) Mr. Haight must inveigh against the dishonesty, not to say of myself, but of Mr. Lincoln; and he had not time in the remaining ten days of the campaign, he said, to allude to all the "scoundrels in Washington." This was the man who complained that I had used some language, exceptionable in its character, of noble men—Democrats—men who never stole; men who always favored economy and good government; men who once controlled the government of this State, and rolled up a debt against the people of five millions of dollars in a few years. And we are asked—the people are asked—to endorse this party, and to endorse Mr. Haight for Governor of this State! Why, fellow-citizens, to say nothing further, the man, who after three years of the most cruel war waged against our Government, after the starvation of Union prisoners, after the violation of all the laws and usages of civilized warfare by the rebels, could find it in his heart to object to the Proclamation of Freedom, taking away the labor of the hands of those four millions of persons from the enemy, I hardly think will recommend himself, or be recommended to the loyal, gallant, and freedom-loving people of our State. (Applause.)

Suppose he had been at Washington during the war, he would have been withholding appropriations from our gallant soldiers; he would have been found opposing the draft; he would have been found opposing the enlistment of negro as soldiers, as if they could not pull a trigger to shoot down our enemies. Had he been, on a more recent occasion, in the House of Representatives, or the Senate of the United States, when, by the perfidy of the men we had chosen as our leaders, it was sought to reorganize a second, and, if possible, more atrocious rebellion than the first, he would have been found false to the loyal sentiment of the people of California, false to the Republic, and false to Liberty. (Applause.) And you are asked to support him; and he is put forward at this time to be made the recipient of the executive power of this State. Suppose we should have another war upon our hands—suppose that could possibly be—how many soldiers, think you, would he call out to defend the flag? And we are told, fellow-citizens, in the face of this overwhelming issue that is now presented to us, that Union men must stop and hesitate before they support our ticket. No, fellow-citizens, God forbid! It cannot be; it *shall not* be! The power of this great, young State shall not pass out of the hands of its loyal citizens. (Applause.) No! let us resolve here to-night that our motto in this campaign and canvass shall be, "Good government for our State; the power of our State in loyal and none but loyal hands; the support of that Congress that has stood by the nation, by right and by liberty, and the utter destruction of the men who have proved false to all these." (Applause.)

There are many speakers to address you to-night, and I have already consumed, by my desultory remarks, a sufficient amount of your time. ("Go on.") I wished simply to point to the issue that has been raised, and to the duties we have to perform; and I rely upon it, and have no doubt of it, that you will add the power of your will and firmness to the inspirations of your leader, and that he will, on the day of election, as Sherman marched through the bowels of the Confederacy, march through the bowels of rebeldom in California, with all the Union banners flying. (Applause.)

The Band played "The Red, White and Blue."

The PRESIDENT: I hold in my hand a letter from a gallant soldier, one whose character I can but contemplate with pride and affection—Major General Rosecrans. (Applause and cheers.) I understand that they have been trying of late to buy him over, but they have failed, as you will see. (Applause.)

Mr. M. D. BORUCK, the Secretary, read the letter, as follows:

Letter from General Rosecrans.

SAN MATEO, CAL., June 25th, 1867.

Hon. H. J. Tilden, Esq., Chairman of the State Central Committee, San Francisco,—Dear Sir: Your note inviting me to be a speaker at the Union Ratification Meeting this evening is received. A sense of propriety in one so recently a citizen of the State, as well as my determination to avoid entering into local or general politics, beyond the discharge of duties imposed by patriotism on every citizen who loves the Republic,

compel me to decline participating in the discussion of the approaching State canvass.

But your meeting will be full of men whose hearts beat high and warm for the Nation when its life was in peril—men whose invincible faith and courage rose when the faith and courage of others, however true their love for "freedom's last best hope," fell or gave way to dispair. These men, without regard to party, race or creed, are my brethren, whoever or wherever they may be. They may expect to hear from me: and they have the right which fraternity confers, to know my candid convictions, whether favorable or unfavorable to any important public movement in which they engage; and they shall have them frankly, fully and without hesitancy, whenever the occasion demands them.

The past is irrevocable. With all its unnumbered acts of duty to the nation, more or less perfectly performed, it has gone into the treasure-house of history: but, thank God! the country remains glorious, free and united.

Old parties, in so far as they had work, had filled their mission of good and ill when the country entered on its great, and, I hope, final struggle. Like seeds that have been planted and produced, they have borne their fruits, and can never more be of use. The eyes of all patriots were then, and must continue to be, turned to the future.

Our mission must henceforward be, with grave but lofty enthusiasm, inspired by the trials and triumphs of our system of our free institutions, to work for the future of our Government, *the theory of which has always been, equal and exact justice and freedom to all men, without distinction of color creed or race*, and to which its practice is now more than ever rapidly conforming.

Parties, as organized raids for the distribution of the spoils of office, as political mills, to grind meal for political schemers, I despise, and hope to see held in check or overturned by the great business and laboring masses, whose time, means and blood are always most unreservedly at the command of the nation in its needs. But parties as organizations to discuss important political questions and principles from public opinion, and bring them into legal and effective action, are and always will be necessary in a Democratic-Republican Representative Government like ours; and it is equally the dictate of patriotism, of common sense, and of duty, that every citizen should approve, and in his sphere aid to form and maintain them, so that they may do their work without becoming engines of oppression to freedom of opinion, or instruments of corruption and public plunder. Hence, it is clear to me that we must have an national party for the future, and equally so that its bones, sinews, life-blood and intellect must come from the Union men of the country. It ought to be, and *must be*, composed of those who, when told "the nation is lost," bravely answered "Never till we perish shall this catsastrophe to human liberty be recorded,"—of those men whose thus tried courage gave promise of that magnaminity which I have so often witnessed with a thrill of secret pride and joy that filled me with hope and confidence in our future.

These men may be sometimes mistaken, and sometimes mislead; their earnestness may sometimes make them radical in their convictions, but they will never form nor be governed by the extremists of the country. They will be the warmest and truest friends of those who honestly and bravely fought for and nearly destroyed State rights, by attempting to enforce an interpretation of them to which the vague and *ad captandum* approval of a large party had for years given countenance, if not approval.

And, if I could, I would say to those brave men who now frankly accept the decision of the questions they fought on: Cast your lot with the Union men of this nation, who opposed and fought you—trust them. Let not a few extremists, excited by vague or unfounded apprehensions, by personal interest or ambition, prevent you from meeting the great body of the National Union men represented by Congress, and closing for ever the agitation about reconstruction. This is our common country. You are our brethren. We shall not become excited against you because a few hotheads, or a few decaying politicians, attempt to work on your feelings for their own advantage. Meet us with trust and cordiality, satisfy the apprehensions (even if you know they are unfounded,) of a true though uninformed loyalty, and you will find us braver, truer, and more generous friends than those who claim *par excellence* to admire you and deplore your present situation.

These are my profound convictions. I rely on the men who fought and labored for the unity of the nation, to be the most intelligent and persistent maintainers of the autonomy of the States against the extremes of anarchy or consolidation. I know the men of the South ought, by the instincts of conservatism, courage, and interest, to be with them.

If these views are correct, it is obvious that there should be no wavering in our support of the general policy of Congress, however its details may or may not require modification. No Representatives ought to be elected to Congress on platforms of open or covert opposition to measures wherein finality is more important than detail.

These conditions force me to the conclusion that, irrespective of personal dislikes and local ambitions, it is wisest and best for the interests of our country that all *Union men*, of whatever party at the approaching election, should give their *cordial support to the ticket* headed by George C. Gorham.

Respectfully your obedient servant,

W. S. Rosecrans.

The patriotic sentiments of the letter were greeted, as it was read, and particularly at the close, with applause and hearty cheers.

Speech of Governor Low.

The President introduced Hon. F. F. Low, Governor of the State of California, who was complimented by three rousing cheers, and then addressed the meeting as follows:

Mr. President, Ladies and Gentlemen Fellow-Citizens: With the great number of gentlemen announced to say something to you to-night, a speech can hardly be expected from any, and if you expect one from me you will be most decidedly disappointed. (Laughter.) I came here in obedience to the invitation of the State Central Committee, and in entire accordance with my own feelings and convictions, to say to you that I am with you still, and, God willing, I expect always to be with the Union party, wherever it can be found. (Applause.)

Four years ago, about this time in the year, I recollect very well that there was an immense Union meeting in this same Hall, a meeting, howevever, scarcely equalling, perhaps, but not exceeding certainly, this immense gathering of the people *en masse* that I now see before me. On that occasion you assembled. fellow-citizens, to ratify the nominations of the Union Party of this State, at the head ot which ticket stood the name of your present humble representative. We met at that time, fellow-citizens, in the midst of a gigantic civil war; we met then, not simply as individuals, but as units and component parts of this mighty Republic, bent upon doing what we could, and in the best way we knew how, to give assistance to the nation, to give assistance to the grand Army of the Republic that was battling with the hordes of the rebellion. In the four years that have since passed, you know, and I know, and the nation knows, what grand results have been accomplished. The nation has been saved, the din of arms has ceased, those of our soldiers who are left, after escaping

the dangers of camp and field, have returned to their peaceful homes; spears have been beaten into pruning-hooks, and swords into plow-shares; and we now see as the result of this war, the grand march of liberal principles, and all the benign blessings of peace. To the men who contributed to this result, I think little need be said to induce them to continue in their well-doing, never consenting to abate one atom of their zeal until the full and final accomplishment of their grand work. (Applause.)

Reference has been made by the distinguished gentleman who preceded me in addressing you, to the cavilling, the fault-finding, and the abuse that has been heaped upon the Union ticket, or a portion of that ticket, as it is now placed before you. I counsel you all to lay aside personalities in this contest. Recollect that abuse does not make one hair black or white, and that whenever you find a Union man with a heart in him—a Union man who has got a head with brains in it, he is far better and worthier than the brightest copperhead that ever lived in this nation. (Applause.) I will not take up your time by eulogising any man upon the Union ticket. I know them all, and I know some of them well—some of them, perhaps, as well as any other man in this State; and when I say to you that that ticket is one worthy of your support, and ought to receive a majority of at least twenty thousand votes in this State, I only tell you what I know to be true. (Applause.)

They said to us a week ago. "You wait! You wait and see what this Convention in San Francisco will do! We will put up purity, and honesty, and greatness, such as has never been seen in this State before." But when they met together and ground their grist, what was the result? I read their platform, fellow-citizens, and upon my soul, I thought it was the Cincinnati Platform of 1856. (Laughter.) I thought it was so, certainly, until I looked all through it carefully, and then the only omission I found was this, that there was no reference made to the Virginia and Kentucky resolutions of '98 and '99. (Laughter.) They tell us that Mr. Haight is an admirable gentleman. Well, I know him well, that is, pretty well, and I guess he is a tolerably decent man personally; but any man who takes a nomination from that Convention upon that same old sort of a platform, is not fit and worthy of the confidence of freemen. (Applause.)

If you will forgive it, I will tell you a little story which I think just exactly illustrates that Party and that Convention. Some time ago, when gambling was at a rather low ebb here, the proprietors of a certain institution on Commercial street found it somewhat unprofitable, and so rented their rooms to an association known as the Pacific Club, an association of gentlemen who took the premises for *liquorary*, and other amusements. (Laughter.) One evening a party of gentlemen was sitting there playing a quiet game of "seven up," or some other kindred game, when a stranger from the country came in, walked up to the table, and looked on the game for a while, and finally, says he: "I would like to bet a dollar on that hand." The gentlemen looked up at him in some astonishment, and one of them remarked, "my dear sir, you are mistaken, this is not a gambling house; you have got into the wrong shop." The man looked all around him deliberately, and then said, "Is it possible that I am mistaken? Why, here is the same old place, and this is the same old crowd I used to see here. (Great laughter.) So it is with that Democratic Convention. You go into it, and you will find that it is the same old place, and the same old crowd, and they usually give you in their proceedings about the same results—Abolition, and him crucified. (Renewed laughter.)

When that speech was made by Mr. Haight, in 1864, extracts from which you have heard read here to-night—a speech made at the time when this nation was in the most critical moment of its extreme peril, the contest was not whether Abraham Lincoln should be elected, or whether George B. McClellan should be the next President of the United States. No, fellow-citizens, the question was not that, and every man of average intelligence knew it was not, and I will not under-rate the intelligence of Mr. Haight, by even surmising that he was not aware of the exact condition of affairs. And what was the question to be voted upon at that time? After three years of bloody and cruel war—after our fathers, and brothers, and kindred had been slain by thousands on the sanguinary field of battle by rebel hands—after this tremendous contest had been going on for so long, and when the whole fate of the nation was at stake, then the question to be decided was, whether we should have one country or should be rent in twain; whether we should have a man to rule over us of our own selection, or whether the rebels should name the man; whether our army of a million of men then in the field, perhaps fighting our battles at that very moment when Mr. Haight was talking, should continue to defend the nation, or should acknowledge themselves conquered, go home, and sue to the rebels for terms. And I say that any man who stood up at such a time in the light of day, before this intelligent people, and advocated the election of a candidate whose success would be fraught with such tremendous results, is not worthy now and never will be as long as this nation is a free republic, to receive the votes of a free people. (Applause and cheers.)

As I told you when I began, I am not going to make a speech, because there are a good many to come after me, and therefore I will now close by thanking you for your kind attention. (Applause.)

The band performed "Hail to The Chief."

Speech of Mr. Pixley.

Hon. FRANK. M. PIXLEY came forward in response to repeated calls, and spoke as follows:

Mr. President, Ladies and Gentlemen——

A Voice—Frank, where is that mule?

Mr. PIXLEY—Dead, as the Democratic party is dead. The only difference is, Mr. President,

that my mule has gone to horse heaven, and I think these Democrats never will attain any such celestial sphere. (Applause and great laughter.)

Ladies and Gentlemen, we meet to-night to inaugurate a campaign, during which campaign we are compelled to answer the practical question whether we will support and sustain the Union ticket, placed in nomination by your State Convention, or whether we will elevate to the municipal power of this State the "Democracy." I for one have come to a determination upon that question, after mature and deliberate reflection, and I say to you to-night, that I, for one, have determined to indorse that ticket, and to support with my voice, my influence, and my vote that entire Union ticket, which has at its head for Governor the honored name of George C. Gorham. (Applause.) The question is a practical one. When five years ago we hunted these copperheads to their dens, when we compelled them like the rattlesnake upon the prairies to take to their holes in company with the prairie dog and the owl, we believed that we had consigned them to an oblivion from which there was no possible resurrection. But because they deemed that, the war being over, the Union men had relaxed their vigilance, from the enthusiasm which the victory had produced, and because they thought there were some little dissensions in our Union ranks, they have now crawled out of their holes, and expect to warm themselves into new life in the sunshine of renewed political power. They have made a fatal mistake. We will at this time take the rattle from their tails, and the head from their bodies; they have made their last hiss, they have lost their fangs, they have changed their skins for the last time.

There has been, fellow-citizens, some little dissension in our ranks. We have been in a position very closely paralleled by a certain historical incident away back before the birth of Christ. When the liberties of Greece were imperiled, when the Persian hosts under Xerxes thundered around the walls of Athens, all the Athenian leaders were called together to decide upon the man they would select to lead them forth to battle against the Persian army. They were required in voting for a leader to cast two ballots, one for the leader who was their first choice; and one for him who was their second choice, and history relates that every leader wrote on the ballot for his first choice his own name, and for the second choice the name of Miltiades. So it is with us. I was a candidate for Governor; so was Fay; so was Bidwell; so was Gorham; and on the ticket we all wrote our own names first for Governor of the Commonwealth. (Laughter.) But when the State Convention came together, seeing the war approaching they wrote upon the ticket the name of George C. Gorham, and he is my Miltiades in this fight. (Cheers.)

It was an old custom in the Empire of France, far back in the distant ages, to keep under pious guardianship in the old Church of St. Denis, its altar burning with consecrated lights, and under the priests' control and guard, the sacred Oriflamme of France. When the Empire was threatened with invasion and war, they called together their armies, and from among their boldest and bravest knights was one selected to bear the standard of France in the thickest of the fight; and they charged him upon his honor and his life to return it undimmed by dishonor, untarnished, and unsullied by defeat. Our State Convention gave the Oriflamme of the Union party to George C. Gorham, charging him to bear it at the head of the Union columns, and to return it undimmed and unsullied; and I, for one, instead of rallying against him, and struggling to tear it from his grasp, propose to rally side by side with him, and as a Lieutenant (with him for my General) will I be found where the battle ragest fiercest, where the blood flows reddest, that that sacred standard of the Union party shall come to no disgrace, and meet with neither defeat nor dishonor. (Cheers and applause.)

And how can we—how *can* we do other than support the ticket that the Union Party has put in nomination for us? If any one could suggest to us how we could better ourselves, the condition of our State, and the prospects of our party, by any other course, undoubtedly, Mr. President, we would give them careful attention. But whatever else may be done by pursuing any other course, whether it be by apathy in our own ranks, or whether it be by a third party, is to inure to the benefit of the Democracy, and to elevate that party to power; and I defy any man, politician or otherwise, to suggest a plan for this campaign, other than fighting for the ticket under the standard of the Union Party, that will not result in the election of a Democrat. (Applause.)

Now, there is a little band of worthy overzealous men, who talk about rehabilitating the old Republican Party. God knows that party has my sincerest love. I was present at its birth, and watched its struggling infancy. I remained with it during its pupilage and its youth, and was with it in the crowning glory of its manhood, when victory first perched upon its banner—when Leland Stanford was elected Governor of California, and Abraham Lincoln President of the United States. (Cheers.) I loved it, and the men belonging to it; I loved it and the principles it advocated; I loved it and the leaders at whose feet I sat, a willing pupil, eleven years ago, that I might learn how to speak and educate the people of this State up to the standard of our party principles. I see some of the old faces here to-night. There is Col. Baker's likeness on the wall. (Applause.) Think you, my old Republican friends, that, could he come resurrected from his bloody grave; could he burst the cerements of the tomb, and now step forth upon this platform where he stood so often, and where you so often hung upon the honeyed accents of his tongue; that he would advise you to desert the Union Party, for the purpose of making an experiment that would undoubtedly result in the election of a Democrat? Baker was our leader, loved and trusted by us; he died as patriots love to die, on the battle-

field, where the tide of battle ran reddest! fighting in the defense of his country's flag. (Applause.) I cannot mention the names of these leaders without speaking of another, who, I believe, to have been about the grandest orator that ever lived in the American Republic. I refer to Frederick P. Tracy. (Applause.) He was with us, and shared in our toils throughout the earliest of the Republican struggle, and he died as Moses died, when, from the top of Pisgah, he could overlook the Promised Land, flowing with milk and honey. He died just as we were about to reap the full fruition of the nation's victory. There was the gallant Matheson, who fell at South Mountain—one of our leaders who died on the battle-field; and old genial Gilbert A. Grant, a loved and trusted counsellor, and Samuel Parker, and Harlowe Love—all honored names, and consecrated memories to me. There is the Rev. T. Starr King, whose portrait adorns our speaker's stand, and who, as our leaders and our orators died and passed away, relighted the fires of patriotism on our altars, and having done his duty, was called to the spirit land. Think you that these would advise us to abandon this Union organization which they helped to make? And while I am speaking of those who fought in the early fight against the Chivalry Democracy, I must not forget him of the imperious will and resolute purpose. Hon. David C. Broderick. (Great Applause.) He was fighting in the Democratic Party, as I and others fought outside, but our courses ran parallel, aiming in the same direction—all holding in view the same great and holy purpose of beating down the Chivalry Democracy, and removing the curse of slavery from our land. (Applause.) Think you that if Broderick could leave his narrow bed on Lone Mountain, where, on the west, his monument overlooks the ever restless ocean, and on the east this beautiful city, the home of his adoption, he would advise you now to lay down the organization of the Union party for any other? Forbid it Heaven! It would not be possible for any one of those martyred Unionists to advise us to commit such a suicidal act. Nor am I willing to do it or consent to it. And if I have a Republican friend within the compass of my voice, any one who struggled with me in those early days, when, like Spartacus, on bended knees we fought the hosts of the Democracy on every side, when it required not only moral, but physical courage to go out and beat down the prejudices of two hundred years, I say to you, Republicans, fellow-workers, you of the Old Guard, you of the four hundred and seventy-seven, and there are many of you within the hearing of my voice to-night, let us at this time of peril make no experiments, form no new parties, nor resuscitate old ones; let us say that all the mistakes of the past, all the errors of the Union Party, if there be errors, must be swept away in one grand, solemn determination and resolution this time to win victory from our foes, and settle our family feuds thereafter. (Applause and cheers.)

Nor do I know of any reason in the *personnel* of the Union ticket why I should abandon the organization, repudiate its action, and so elect Mr. Haight. I have known Mr. George C. Gorham many years. I was a candidate, as I said, and endeavored to secure the support of the people of this town, and their delegates to the State Convention, in favor of my nomination. If *I* have no fault to find, I may certainly ask my friends that they shall find none till after the election. (Applause.) And I find no fault. POLITICS IS POLITICS, *and the man who gets beaten must stand it!* Nor do I claim such superior integrity and purity as to admit or to charge that Gorham, or Gorham's friends, did anything to secure the nomination or to win the delegation from San Francisco, that I or my friends might not possibly have done if we could; at all events, I am not going to throw stones at any body's glass-house. (Applause and laughter.)

Now then, who is George C. Gorham? He has been ventilated thoroughly by those papers in this State who have been making this fight against him both before and after the nomination; and yet I ask all these gentlemen here, I ask these ladies present, if there has been one single blot put upon his personal character? He is a good citizen, a good husband—the father of a family. I never heard of his robbing anybody, honest in his business relations, honorable in social intercourse, of recognized capacity, of wide experience in political affairs, and if he can control the Executive and Legislative departments, in the capacity of Governor, half as well as he can control a State Convention, he will make the best Governor we ever had. (Applause and laughter.) He has been true to principle, when others wavered and fell back. George C. Gorham possesses that faculty of moral heroism which to my mind is the most sublime faculty with which God has invested human nature. I love a morally brave man, and I hate a moral coward. And I do fully believe that Mr. Gorham is true to the Union Party, that he is as true to the principles of the Union Party as any man is, or can be, who is within the compass of my voice. (Applause.)

And I will tell you another thing, gentlemen, and that is, there are two kinds of integrity. One is the result of moral convictions, perhaps of religious feelings, and that may be the highest and noblest kind. But there is another which in practical results, is equally reliable, and it arises from pride of character. Show me a party man, an ambitious man, a man who from one standpoint of honor plants his eye upon honors that are beyond, and I will show you one who will execute all the duties of the offices and honors entrusted to him, with credit to himself and the State, from mere pride of character and his own ambitious interest. (Applause.)

Now who is Mr. Haight? He is a townsman of mine, from the City of Rochester, Western New York. I have known him from boyhood. He was an early Republican. In his father's office, in St. Louis, was organized the first Free-soil Abolition Party in the State of Missouri. He boasted of that fact, and with me he sympathized with that party, and I thought it a credit to him that he belonged to it. When he after-

wards came to California, he was an early and ardent Republican. He was with me in that little band of Republicans who helped to educate the people of this State up to the point of the proper detestation of slavery and the slave power. But a change has since come o'er the spirit of his dream. In 1856, he voted for Fremont against Buchanan; in 1857, he voted for Stanley against John B. Weller, for Governor; in 1859, he voted for Stanford as against Curry or Latham, and in 1860 he voted for Lincoln as against Breckinridge and Douglas. But in 1861, after he had voted for Mr. Lincoln, after he had put him in power, after he had subscribed to the doctrines that elevated Mr. Lincoln to the Chief Magistracy of the nation, Sumter was fired upon; armed rebellion, that had been twenty years in preparing itself, burst forth in a blaze of civil war; the grand old flag of the Republic was borne, torn and bleeding from the shattered staff of Sumter; then we, Union people of this State of California, men without distinction of party, without distinction of creed, said amongst ourselves, "Let us come together, and support and sustain Mr. Lincoln in his administration." Mr. Conness, of the Democracy, was there, Mr. Casserly and Mr. Hoge, all leaders of the Democratic Party; and all then, under the impulse of patriotism, generously moved to the rescue of the President. (Applause.) At this time, then it was, that some of us, desiring to give expression to the public sentiment, wrote and published this little call for a Union meeting:

"We the undersigned, believing that in the present crisis of our national affairs, it is the manifest duty of all patriotic citizens, irrespective of party or creed, to yield an unqualified support to the Federal Government, for the perpetuity of the Union and the vindication of the flag, invite our fellow citizens, of all parties, who are willing to render service to the General Government in the present emergency, to meet with them in a mass meeting, at an early day in the present week, to consider the propriety of a public expression in favor of sustaining the Constitution, and the Government of the Union."

That paper was offered to Henry H. Haight, and he refused to sign it, because he said he was "opposed to coercion." Now then, a man who was a Republican up to the time when armed rebellion sought to tear down this proud fabric of constitutional liberty, and then, through pure cowardice, refused to sustain the government, was a traitor to Mr. Lincoln, whom he had helped to elect, a traitor to the Union Party and a traitor to the government; and he deserves to be politically shot. (Applause.) Then again in 1862, in September I think it was, Mr. Lincoln issued his Emancipation Proclamation—the preliminary one—and on the first of January, 1863, he gave pen to that final paper, that stamped him at once as the greatest living statesman and liberator that ever lived. (Applause.) By one dash of the pen he showed how much more powerful in the hands of one truly great it was than the sword; for by that one act Mr. Lincoln struck the shackles from the limbs of four millions of our oppressed countrymen. (Applause.) Then it was that Mr. Henry H. Haight—H-a-t-e, I spell it—(laughter)—in his speech said that Mr. Lincoln was a thief, because he had stolen that property that was guaranteed by the constitution. Then it was that Mr. Haight made that speech, which has been read here at the instance of our honorable Senator, delivered on the 29th of October, 1864, on the very day that the news came booming across the continent that Sheridan had rolled back the tide of defeat, and gained the glorious victory of Winchester, in the valley of the Shenandoah. (Applause.) At that very time it was, when Sherman was sitting in his tent at Atlanta, recruiting from the fatigues of the campaign from Chattanooga, and contemplating his grand march to the sea. (Cheers.) Then it was that Grant, having fought the glorious battles of May and June from the Wilderness to Petersburg, was recruiting, and preparing his shattered and exhausted army to strike the last grand and fatal blow against the rebellion. (Cheers.) Then it was that H. H. Haight, who never lost a meal or a night's rest, although our nation was engaged in a deadly war, (laughter) makes that speech in which he brands the President he had betrayed and deserted, Mr. Lincoln, now our martyred and glorious dead, as a "vile dirty jester;" and one of his principal friends and advisers (Stanton) as a miserable dog and liar. ("Shame!") And the Democratic party as if fearing that some of us Republicans would vote their ticket, have placed him at the head, as a reward for his damnable treachery to his party and his country, and his cowardly and miserable allusion to the best and purest man in the nation. Instead of one of their own number, they have put at the head of their ticket this apostate Republican. Why, when Judas Iscariot died, if the devils in hell had met in Convention to choose a leader out of all the apostles, they would have taken the traitor Judas, as the Democratic party has taken the traitor Haight. (Applause and laughter.) He contrasts McClellan and Lincoln, and McClellan was his Murat, the Murat of a hundred untought battles. (Laughter.) This "young Napoleon," this little Napoleon, was the subject of his eulogy, when he had already been retired from the head of the army in disgrace, to make way for those gallant heroes, Sherman, Sheridan, Grant and others. (Applause.)

In regard to Mr. Haight personally, you will mark me, I have said no word against his private character. He is a *pious* man; he belonged to Dr. Scott's church. (Laughter.) And if he is sincere, if he kneels before the altar of his God, and raises his invocations to Divine Providence to save him from the wrath to come, I hope he will not forget to ask pardon and remission for this most terrible sin of all; because if there is not a hell for such offenders it does seem to me that there must have been some mistake in the providence of God. (Laughter and applause.)

Now then, gentlemen, I believe I have transcended the time allotted to me, ("Go on, go on!") I have been requested to read a telegram from the Honorable Aaron A. Sargent. (Applause.) He is unable to be with us to-night, being unwell, but he sends this telegram, as evidence that his sympathy is with this meeting, in its en-

dorsement of the Union ticket. This is his language:

NEVADA, June 25th.

To H. J. Tilden, Chairman State Central Committee: You ask my views by telegraph. I deem it the duty of all Unionists to support the ticket. The consequences of losing the State are too grave to be lightly considered. Our friends in the East would be discouraged, righteous reconstruction be impeded, all the elements of discord now being subdued by Congressional policy would be reanimated, as after the Connecticut election. Johnson would think himself endorsed, and act accordingly. The rebels would be encouraged to new resistance: there would be more murders of Unionists, and the difficulty of the task of restoring the nation would be increased. It would be impossible to explain in the East that this State had not decided for Johnson against Congress.

It would be no justification to say that we quarrelled about men when we should have contended for principle. In my judgment, any movement from within the party that will defeat part of the ticket will defeat it all, and the legislative tickets also. The friends of the ostracised portion of the State ticket declare that they will not support the rest of the State ticket, or the County tickets nominated all through the State by the friends of those who propose to organize opposition to the State ticket. If this movement is persisted in, shall it be general defeat and ruin or not? Unless we wish to see the party involved in common disaster, we must harmonize on the basis of supporting both State and County tickets. I regret that illness prevents my being with you to-night to express these views more fully. A. A. SARGENT.

[The reading of the dispatch was frequently interrupted with applause.]

Mr. PIXLEY continued: There are some suggestions in that telegram that ought to receive our consideration. We are making here a fight, the result of which when it is known will be heralded on the electric wires across the continent. The Union party as organized in each of the various States of the Union, will be asking "How has gone California? What says the Golden State in this its gubernatorial election?" Shall the response be: "Why, they have elected a Johnsonian copperhead—a rattlesnake Democrat?" Who shall explain the causes? Who will be there of these men who are seeking to promote disaffection to-day, to explain in the State of New York, Ohio, Pennsylvania, and the other States that are called upon to roll up their majorities at this time, when they are told that California has united her destinies with the nutmeg State, against the freedom and progress of the nation? How shall it be explained away? Who will be there to show how our little party family feud can be made to account for the great startling fact that goes out as the first voice from California, the first echo that speeds across the mountains from this new empire of the Pacific, the announcement that California has refused to indorse the reconstruction policy of Congress, and has practically indorsed the policy of Johnson? This must not be! This, for our State's fame, and our own reputation, must not be permitted; but we must, as I have said, rally to the defense of the Union standard, and bear it on to victory. (Applause.) And then if we have party differences, why, I can suggest the most practical of remedies after the next four years. If you will pardon the vanity of it, I will suggest a remedy now, which will heal all dissensions and render the Union party perfectly safe, and that is, all turn to and make me Governor next time. (Great laughter and applause.) I make the suggestion now for the reason that I started into this canvass a little late, and when I went to a great many of my friends they said, yes, I was a good fellow and had worked hard for the cause, and all that, but they were sorry to say they had already promised to support somebody else. (Laughter.) Therefore, this time, you see, gentlemen, I start in early, and I hope you have not made promises to anybody else yet. (Laughter.) I know of no better way to heal all difficulties in the Union party hereafter than that which I have suggested. (Great laughter and applause.)

But, gentlemen, let me say to you, and to all here, in all sincerity—let me ask my personal friends, some of whom I see in this hall, and who paid me the compliment of thinking the services I had rendered to the Union party in the past gave me some claim; and who believed on that account, and for the meed of intellect they credited me with, and the honesty which they were flattering enough to suppose I possessed, that I would be a respectable candidate for Governor. I appeal to them, and I say, as you have already followed my lead until I was defeated, let me ask you to take my counsel once more, and give your support to my rival and successful opponent, Honorable George C. Gorham, for Governor. (Applause and cheers.)

Then, gentlemen, if this applause indicates your assent, to the extent of my ability I have aided to ratify this ticket. And I say now, that with such influence as I possess, whatever of ability, upon the stump or elsewhere I may have, I propose to tender it all in allegiance to the Union party; and wheresoever the standard of that party is advanced, and whomsoever may be appointed its leader, I hope ever to be found fighting under that banner, and advancing and defending it in the thickest of the battle, so that I may repose under its shadow when the victory is won, when the enemy is beaten—that I may take to myself some share of the credit, and say that I too have helped the Union party in its extremity, and have helped to defeat the Democratic party. (Applause.) Do not mistake me, when I use the word "extremity" in connection with the Union party. I believe in the future of the party as firmly to-day, as I did when, four years ago, I aided by my advocacy the election of the Hon. Frederick F. Low. I believe as certainly to-day as I believed then, that the Union party of this State has not finished its mission, that it is not prepared to lay down its arms, that it has not forgotten the victories it has won nor the principles it advocates. Nor has the Republican party forgotten the path of travail it took, in order to achieve its great victory by making the Union party, the victorious party of the Commonwealth of California. I believe we shall be victorious again, if we stop these mutterings of discontent, arising simply from the fact that each man's personal preference is not exactly suited in all the nominations. I believe, as Gov. Low has stated, that the meanest Union man that walks beneath the sun, if he has only honesty enough to look at the sun by daylight, is a

better, purer, and safer man to elevate to office, than the best and sleekest copperhead that ever crawled upon his belly in this State. (Applause.)

There is one thing more I wish to say, and then I have done. There are perhaps some few Republicans who would like to go, if they have not already gone, over to the Democracy. They are shaky Union men, and the sooner we get rid of them the better. (Applause.) But this Democratic party in its platform put the last nail in their coffins, that will prevent any Union man from going over to them, if they would. Why, let me read a part of one of their resolutions, and a remarkable one it is, being, as I interpret it, a menace of dark and gloomy days for the Republic, if the men who drafted and passed that resolution can again regain political power. If these copperheads ever succeed in securing political place, if they shall ever "crawl to the top of that huge mouldering monument of Rome, there to hang hissing at the nobler men below," what will be the result, if this resolution speaks the truth? Let me read it, and comment upon the meaning which I think it is intended to express. They say—

"What are known as the reconstruction measures of that party, harsh, illiberal and oppressive, and more likely to result in a hollow truce than in an enduring peace."

More likely, if they do not succeed, and the reconstruction policy is carried out, to result in a hollow truce than in an eduring peace! Then, Mr. President, the war is not ended! Then the South is not yet subdued! Then the disbanded or the released armies of the North were simply sent back to their fields and work-shops to recruit and gird up their loins for a renewed struggle upon other bloody battle-fields! It means simply this, that the Southern States, reconstructed by the voice of rebels, and by suppressing the voice of Union men, must come back at the next presidential election, and in the Electoral College cast their votes for a Democratic candidate for the Presidency; and if they have enough Copperhead States with them, of which Connecticut is to be one, and California another, they are to elect him; but if not, and if the work of reconstruction is to go on according to the Congressional plan, then the bloody standard of war is again to be raised, and this time at at the North. This is but "a hollow truce," fellow-citizens! We are now on the smouldering brink of a volcano. If they do not regain power unconstitutionally and improperly within the next two years, then again on Northern fields and Southern savannahs will they light the baleful torch of war. What else did it or could it mean? Did the men who drew that resolution —Casserly, Hoge, Haight, and Holden, and all those old Copperheads who have crawled back to be resuscitated, warmed into new life—know what they were saying? Don't they believe the war is concluded; that the North is triumphant, that the South is vanquished, and the negroes free, and that there can be no possible reconstruction of the Southern States unless it be by accpting the policy of Congress—unless the rebel leaders be retired from office, and unless the loyal men, without respect to color, are permitted to mould the Government of the reconstructed States.

I remember of hearing, before the war commenced, the threats of these Southern politicians and chivalry men, that if we elected Mr. Lincoln there would be war; but I laughed at the idea, I scorned the thought. I did not believe that any body of men in this country would be so base as to raise their hands against this proud fabric of our Constitutional Government. (Applause.) I know that in my speeches before the people, when they said grass would grow in the streets of New York, I used to mock and laugh at the idea of their withholding their trade, and I ridiculed as all empty talk, the threat that they would inaugurate a war against the Government. But when we had elected Mr. Lincoln we saw that their threats were in earnest; they did inaugurate the war. These Southern States swept out of the proud circle of our sisterhood, and went into an armed rebellion which has cost two hundred and fifty thousand precious lives, and a debt of three thousand five hundred millions of dollars, to be left as a heritage for our posterity to pay through coming generations. And now, when I see in Democratic platforms and resolutions these covert and ominous threats of war, I recur to the experience of the past, and I say, as they meant it before, they may mean it again, because they have shown that rather than not have power in the government they would destroy the government. I for one am opposed to such a party, and I am opposed to elevating to office any such man as Henry Haight, who, when the war was inaugurated before, deserted us simply on account of the fact that his mother-in-law owned some "niggers." (Laughter and applause.)

I admit that it was rather a tight spot in which to place the honorable gentlemen. Here, on the one side was the Republican Government of the United States, which had flourished for a century —the grandest, the most benificent Government the world had ever seen. It gave prosperity, plenty and happiness to all. Under it, taxes came upon us light as the dews from heaven, and we scarcely felt at all the burden of the Government. That benign Government was imperiled, a portion of the nation rebeled against it, tore down the old flag, fired upon Fort Sumter, and even had their guns pointed against the national capitol; but on the other hand, Mr. Haight's mother-in-law had three or four old darkies to be sacrificed if the country was saved; and that, doubtless, was for him a tight place. (Cheers and laughter.)

That is simply the fact, and I am not willing to vote for anybody whose mother-in-law had that sort of slave property, and who does not now believe that the slaves were freed by that proclamation of President Lincoln. It was issued as a war measure, when the necessities of the nation demanded it, and when, in his far-sighted wisdom, the President comprehended the question presented to him, not as the Chief Magistrate of the nation, but as Commander-in-chief of the armies of the Republic, that he must do one of two things—either suffer the nation to die

slavery to live, or let slavery die and the nation live forever. (Cheers.) He issued his Emancipation Proclamation, and, as I before said, it struck the shackles from four millions of slaves, and it struck a vital blow at the very heart of the rebellion. (Applause.) It began to topple from that time forward. Like a giant reeling with mortal wounds, it tottered through the campaign. Sherman marched through its territory from the center to the sea. Sheridan attacked it in the west. Grant thundered at it in the north from the Wilderness to the walls of its capitol. It was hemmed in and assailed by our brave Generals and armies on every hand, and finally it reeled and fell; and now the monster lies dead forever—past resurrection, even by Henry H. Haight. (Cheers.)

So, gentlemen, to-night, if I understand your beaming countenances, if I rightly interpret your responses to my suggestions, we pledge ourselves, all of us here, that California shall not slide back into the embrace of the Copperhead Democracy, but that we will indorse, support and maintain, and here pledge ourselves to vote for, the Union ticket, as against the Copperhead Democracy. All in favor of that, say aye! (In response, there went up a thundering shout of "Aye!" followed by enthusiastic cheers.)

The Band played: "The Union, Right or Wrong."

Speech of Rev. Dr. Cox.

The PRESIDENT introduced the Rev. Dr. Cox, who spoke as follows:

Mr. President and Fellow-citizens: I do not intend to occupy your time at any great length, but, in response to the call of your President, I think it is due that I should say to this people that I stand by the Union Party, now and forever. (Applause.) It is but a brief period since I first arrived in your State, and when our friends commenced the campaign I really scarcely knew where to place myself. In fact I did not even attend the primary election, but let it pass by default. But after I had witnessed the proceedings of the conventions, or read them in the newspapers, and had time to examine the platforms of the parties, I was enabled to decide unhesitatingly as to the position I should occupy in this coming campaign. I recognized in the views of the Democratic speakers, and saw in those planks embodied in the Democratic platform, the evidence that the platform consisted mainly of the same features, and was indorsed and sustained by the same party which for years I had the privilege and honor of fighting against whilst in the State of Missouri. (Applause.) And I come to you to-night, fellow-citizens, as though but recently arrived from that State, to pledge to you that Missouri—stretching forth her iron hands and grasping the hands of the radical Unionists of California—in this campaign bids you God speed. (Cheers.)

I remember an incident which transpired in my own experience whilst in the State of Maine, and which seems to me aptly to illustrate the position of some of those gentlemen who were referred to so eloquently by the preceding speaker, as being tempted to pass over to the ranks of the Democracy because of their disappointed personal feelings. And I really do not know whether I ought to say anything about those gentlemen. I feel somewhat embarrassed in alluding to them, and that embarrassment arises from the following circumstance: Whilst I was in the State of Maine a certain minister of the Gospel, whose name I need not mention, had occasion at a religious meeting to rebuke an unruly boy who occupied a seat near the door. After the rebuke, the boy subsided and behaved himself properly during the rest of the evening. On the following morning the father of the boy met the minister and said: "Why, sir, you rebuked my boy in the meeting last night!" "Oh, yes," replied the minister, "and I always shall rebuke him when he comes to my meetings, unless he knows enough to behave properly." "Oh," said the father, "there is no use of rebuking my boy." "I tell you it is of use," was the reply, "and I shall always do it if he behaves improperly." "But I tell you it is of no use." "I say it is of use, and I shall always rebuke him." "Why, sir," said the father at last, "my boy has had fits, and is foolish." (Laughter.) Now, I would like to rebuke some of these gentlemen who have been referred to, for going over to the enemy, but I don't know but they may have had fits, and are foolish. (Great laughter.)

Mr. President: After reading the Democratic platform, I could not help knowing where to stand. I knew the same parties in Missouri—copperheads and rebels against the United States of America—and I know they would receive every plank in that Democratic platform and indorse it heartily. There is not a traitor in all rebeldom who could not vote for it, and be an honest man, so far as that would make him such. (Applause.) As long as I live, I never can vote for any man who has uplifted his hand against the starry banner of our Union; and as long as I live, I never can vote for any man, however respectable and pious, however devotional and frequent his prayers and intercessions for his party or his country, if he be one who has ever spoken disrespectfully or disparagingly of our martyred President, Abraham Lincoln. (Applause and cheers.)

As I understand it, it is the policy of Congress to commit to loyal hands the keeping of that starry banner, and I am with Congress. (Applause.) As I understand it, the Congress of the United States of America does not propose to intrust the honors, the emoluments, and the responsibilities of the American Union in the hands of disloyal men, and I am with Congress in that. (Applause.) I propose to vote for men who, through the dark days of the Republic, have been true to our flag; I propose to vote for men who have followed that torn standard on bloody battle-fields; I propose to vote for men who have wielded the pen in defense of this great Republic; I propose to stand side by side with the men, whatever else they may be, who have fought for the Union, struggled for

the Union, or given of their means to sustain the country and to carry the Republic through its terrible conflict. I stand side by side with them, whatever their sect, or whatever their party. (Cheers.)

Sir, it is with some emotion that I speak upon this subject. I have stood upon the land made waste by the armies of the rebellion. I have stood in the State of Missouri, and seen the ruins of loyal homes, burned to the ground by these rebels, bush-whackers, thieves and murderers. I have stood by the side of widows and beheld their tears of bitterest grief, because their husbands had been shot down by these copperhead traitors and democrats, for no other offence than that they were true to the banner of the Union. (Cheers and applause.) I have helped to clothe and feed those bereaved and helpless women and children who had fled to the city of St. Louis, where I had the honor to administer to a loyal people. They have told me their pitiful tales of fiendish cruelty and suffering. One woman, whose husband was a minister of my own church, residing there for many years, told me she was sitting quietly in her house, when they were visited by a gang of these cut-throats, led on by a traitor of the neighborhood. The leader came to the door while six of his followers remained at a little distance. Says he to a man who was passing out of the house, "Is your name So-and-so?" and being answered in the affirmative, the poor man immediately received the bullet from the ready revolver, and was shot dead on the spot, his blood staining the threshold of that minister's house. The minister himself, fleeing by a back-way, escaped to the forest, but this copperhead rebel murderer approaching the trembling woman, exclaimed, "Have you any matches?" She replied, "yes." Then said the brute, "get them —— quick, or I will blow out your brains." She procured the matches, and placed them in his hand, and then said he, "Clear out of this." "Oh," said she, "let me take my child!" and stooping, she took her babe from the cradle, and with it a blanket. "Put that down," said the ruffian, "or I will blow your brains out." She dropped the blanket, folded her dress over the child, gave one hand to her little boy, and with her little girl clinging to her skirts on the other side, she fled forth into the cold, bleak night, and when she had traveled a safe distance, she turned and watched the blazing of the little cottage, where she had dwelt so happily, as it was consumed to ashes, leaving her and her children penniless and alone, out on the bleak prairie. She hid away in the forest that night, and then travelling some distance, took the railroad train at the first opportunity, and arrived safely in our city. (Cheers.)

I say, sir, having witnessed these scenes of desolation, having seen my friends, and neighbors, and brethren slain by these cruel rebels, you ask me too much if you ask me to vote for men, to elevate men to power and place, who strengthened that rebellion, who fostered these traitors, who sympathized with these copperheads, who aimed blows at the starry banner of my country. (Cheers.)

Mr. President, it is but a few years since I had the honor—an honor and privilege for which I thank the name of my God—of standing before a United States Judge and swearing allegiance to the starry banner of our Union; and having made this country the home of my adoption and choice, and having sworn to be true to that flag of our Union, I here say to you, taking the Union party as it exists in the State of California as the representative of that Union for the time being, sink or swim, live or die, survive or perish, I stand with you in defense of that flag. (Applause.) And may the lightnings shiver this frame of mine, may my tongue be blistered, and may my arm be paralyzed, if I ever fail or fear to lift up my voice and hold up my hand in the defense of this glorious republic. (Cheers.)

Sir, to my mind, we owe it as a sacred trust—it becomes our duty, a duty which we owe to the departed dead—to see to it that the Union Party is successful in this, and in all the coming campaigns. It is related that when Lord James Douglass was carrying the heart of Bruce to the Holy City, when he was passing through Spain, he was sorely beset by wolves, and upon discovering his dreadfully dangerous situation, taking from his neck the casket which contained the heart of Bruce, he threw it far amongst his enemies, exclaiming: "Lead me as thou wast wont, and Douglas will follow thee or die." So it seems to me, as we gaze upon the countenances of our departed heroes, upon the faces of those who used to beckon us on as they were leading the way to victory, that we owe it to them, we owe it to the gallant Baker, who fell on the battle-field fighting for his country, we owe it to the heroic Broderick, we owe it to the sainted Lincoln, we owe it to all those heroes of the Union, all those defenders of the Republic, who bled and died that the American Government might live—we owe it to all of them now to stand by Congress in its reconstruction policy. (Great cheering.)

It is said that during the siege of Derry, a famous city in the old world, when by the treason of its governor it was well-nigh given into the hands of the enemies of the country, led on by the forces of King James II, the apprentice boys of the city on the morning when it was contemplated to open the gates and admit the enemy, were on the watch towers, and seeing the gates, at the instigation of the treacherous Governor, thrown open for the admission of the enemy, those apprentice boys rushed forward, and closing the gates shouted from the tops of the ramparts to the enemy below, "No surrender!" So to-night, the boys and girls, the men and women, and the voters of the State of California, shout to our enemies, to the croakers on the right hand and on the left, to the men who seek at the expense of the Union to elevate themselves to place and power—with united voices, as we gaze upon the starry banner, we shout to them, "No surrender." (Great cheering.)

All honor to our immortal President, at the stamp of whose foot, as one has eloquently and truly said, a million of brave men rushed into the battle-field, at whose breath the manacles

fell from the limbs of four millions of slaves. (Applause.) We owe it to him, and in honor to him let us be true to our calling and our vocation.

When our land is illumined by Liberty's smile,
If a foe from within strikes a blow at her glory,
Down, down with the traitor who dares to defile
The flag of her stars or the page of her story!
By the millions unchained,
Who their freedom have gained,
We will keep that bright blazon forever unstained;
And the star spangled banner in triumph shall wave
While the land of the free is the home of the brave!

(Enthusiastic cheers.)

The band played "Rally Round the Flag, Boys."

Here there were repeated calls for "Gorham," in respose to which,

The PRESIDENT said: I am requested to say for Mr. Gorham, that this being a ratification meeting, he did not think it proper to appear, but he will take occasion to address the people of San Francisco at some future and not far distant time.

Letter from Rev. Horatio Stebbins.

HON. JOHN W. DWINELLE, was introduced, and said:

Mr. President, Ladies and Gentlemen: Before I proceed to make any remarks of my own, I wish to read a letter from the Rev. Horatio Stebbins, which is a trumpet-toned speech of itself. (Applause.)

Mr. DWINELLE then read the following letter:

16 ELLIS STREET, June 22d.

Gentlemen: I cannot be present at the Ratification Meeting on Tuesday evening, as I expect to be out of town.

As a citizen, I shall support, in all appropriate ways, the general principles of the Union party, and as incidental to that I shall vote the Union Ticket.

There are three things to be considered. First—our relation to the republic. The State of California must be in harmony with the general sentiment of the American people concerning the condition and restoration of the whole country. Any other policy at present seems to me absurd in theory and ruinous in practice. Second—our relation to our own State. We must insist on a wise, just, humane administration of the affairs of the commonwealth, for the promotion of the honor, power and dignity of the commonwealth, and not for the aggrandizement of any man or set of men; and we must bear in mind that one method to make men honest is to treat them as if we expected them to be honest. Third—our duty concerning any disappointments or dissatisfactions among ourselves. The nomination of a ticket which shall be entirely satisfactory to everybody, is an attainment not yet made in free institutions, and never will be; that felicity is reserved for monarchy alone. Therefore let every man remember that practical politics in a free State is not a theory of personal wishes, but of doing the best that can be done.

There is one aspect of the present canvass that attracts my attention. It is the disposition in some quarters to howl down men—to ride over them and trample them under foot. There is a passion to vilify, abuse and calumniate. This excites my indignation and contempt, and if nothing else were at stake would decide my position. I resist and resent it, and though I stood utterly alone I would resist and resent it with my last breath. It is the bane of our politics that, as soon as a man is selected for office, he is maligned, abused, traduced. If any man knows whereof he affirms, and has a charge to bring, that the State may suffer no damage, let him say what, when, where, how, or let him hold his peace.

Fellow-citizens, we are not called to strike our tents and take up our march, but we are called to do our duty, each man in his place. Let us do that duty with steady sense of public justice: let us talk of our duty more than of our right, of our principles more than of those opposed to our principles; then the seal of the State shall be the seal also of our honor and truth.

I am yours, etc., HORATIO STEBBINS.

The letter as it was read was greeted with warm applause.

Speech of Hon. J. W. Dwinelle.

HON. J. W. DWINELLE then addressed the meeting as follows:

Mr. President, Ladies and Gentlemen: After the eloquent discourses which you have heard to-night, I feel as if I had nothing to say—as if everything had been said that need be, and as if anything I might add would be merely a work of supererogation. But perhaps there are one or two things I might say that would give some information to this audience, and to the people of this State.

I was in the State Convention which nominated George C. Gorham for the high office of Governor of the State of California. (Applause.) I was in it, and of it, and I know what it was made up of, and what took place there.

A charge has been brought against that Convention that it would not allow the contesting delegation of San Francisco to be heard—neither in Committee or in Convention. Now, in reply to that charge, I will make this statement, and it cannot be disputed: When the contestants of the San Francisco delegation were passed upon the roll-call by the Chairman of the State Central Committee, who assembled and organized the Convention, no objection was made to it. Mr. Bidwell had one hundred and thirty-nine friends who cast their votes for him in that Convention, and not one of them objected to the contesting delegation from San Francisco being passed on the roll call. Again, that contesting delegation of sixty-three men *was* heard before the Committee on Credentials, as long as they wished to be heard; and when the Committee on Credentials made their report, excluding them, not one friend of Mr. Bidwell, or any other man, objected to the report. On the contrary, the Hon. David Belden of Nevada, who was the leader of the friends of Mr. Bidwell—if they had a leader in that Convention—himself moved that the Report of the Committee denying the right of the contesting delegation to seats, be adopted, and it was adopted unanimously.

Now, as to the Sacramento delegation, in regard to which complaint has also been made, I will say that I went there predisposed in their favor. They were friends of mine, some of them intimate friends; men who had their all in this campaign, as they believed, pending upon the success of that delegation. They had a full hearing in Committee and in Convention. I listened to all their arguments, patiently and candidly, and I was convinced that the delegation which the Convention admitted was the right delegation. (Applause.) I said to one of my friends on that contesting delegation—to that

particular friend whom I had in my mind a moment ago, when I said that some of them were my most intimate friends—"If you have eight hundred Union votes on your side, and they only two hundred and twenty-five, why did you not go to the primaries and out-vote them?" "Well," said he, "the fact is, our folks won't go and vote." I then said to him, as I think I said in the Convention before that time, and as I think now, that if men will not go and vote, if they will not recognise the fact that "eternal vigilance is the price of liberty," then let them stay out in the cold. (Applause.) Because, fellow-citizens, the proof of the majority is in the counting of the votes.

Now, as I said before, I hardly feel able to say anything on this occasion, worthy of being added to what has already been so eloquently said, but I feel that justice has scarcely been done to Mr. Gorham, in respect to his character and quality as an old astute politician. Why, gentlemen, I have been led to believe by what has been written and said about him, and had almost convinced myself, that he is a wily old man who has grown grey-headed in politics, and that, like Giant Despair, about whom we read in "Pilgrim's Progress," he has been sitting down in the by-ways of politics, ready to snap up all young and inexperienced politicians. (Laughter.) Why, when you see such patriots as were assembled in this city and in this room last week, in the Democratic State Convention, engaged in denouncing Gorham—when you see such young and inexperienced men as Casserly, Hoge, Thos. J. Henley, David F. Douglass, and others equally youthful and inexperienced men—joining together and rising up against this old politician, Gorham, how can you think anything else than that he is a wily, gray-headed politician? Do not mistake the Mr. Casserly I speak of, for my venerable friend at the bar, who was elected State Printer fifteen years ago (laughter); nor Mr. Hoge, for my other friend, Joseph P. Hoge, who was in Congress so long ago that I cannot remember the date; nor Thomas J. Henley, who was making speeches last week, for the veteran war-horse of Indiana, who represented the Democracy of that State in Congress about the time when Thomas Jefferson was President, if not later. (Great laughter.) Well, there is something very mysterious about this—something which I do not quite understand. I do not understand how Mr. Gorham can be such a dangerous old politician, when he is only thirty-four years of age, that these young and inexperienced men of whom I have spoken should be so much afraid, and should all be rising up, and I suppose "three hundred thousand more," to put him down. (Applause and merriment.) Now I will tell you about Mr. Gorham. He is a politician. They say he is a politician, and he *is*. But what is "politics," in the highest sense of the term? It is the science of government—the administration of public affairs—the movement of government. And I will tell you of a political movement, about the biggest the world ever saw, and that was the movement of the freemen of the North, in fighting the battles of the Union. (Applause.) That is the sort of politics Mr. Gorham understands. He understands the science of Government; he understands every issue that lies at the basis of this fight; and his was the trumpet voice that first warned the people of California against the encroachments of power. He was the first man in California to discover that Andrew Johnson had *Tylerized* the Union party, and he was the man that drew the resolutions, adopted by the last Legislature, that went bugle-toned throughout the land, carrying fear into the ranks of rebellion, and hope and confidence into the Union ranks. (Applause.) He is an extraordinary man of his age—a politician in the highest sense—a man who can control all petty politicians, and bend and curb them to his use and the use of the country. Why, he is just as old now as Governor Low was when he was nominated for that chair, which in a time of rebellion and civil commotion he has filled with such honor to himself and service to the State. (Applause.) And if my young friend, Governor Low, was old enough to discharge his duty as he has discharged it, then George C. Gorham, nominated and elected at the same age, will be equally able to discharge his duty. (Cheers.)

Fellow-citizens, we know what the platforms of the two parties are. They can be epitomized in a very few words. The platform of the Union Party is, "*Resolved*, That this rebellion shall be put down, and that we will fight it out on this line if it takes all summer." (Applause.) And what is the Democratic platform? In effect it is this: "*Resolved*, That this rebellion shall not be put down by the General Government; and if our fellow-rebels at the South will submit to it, WE will not." And another thing, —a tail-piece to that, is, "*Resolved*, That the Registry law must be immediately and unconditionally repealed, and we must go back to the good old Democratic times when every Democrat, whether voter or not, could vote early and vote late, and keep voting, and vote all the time." (laughter and applause.)

Now, fellow-citizens, the Democratic Party is dead. I knew a monomaniac once that fancied that he was dead, and he used to say to me, "My friend, what a horrible thing it is for a man to be dead, and yet going around imagining that he is alive." The Democratic Party has reversed that proposition. It is dead, and lies on its bed of torment in purgatory; but, turning over in its agony, it sometimes imagines itself alive, and comes back to the upper air in a ghostly manner, to see how things look in the world it has left. I will tell you what it died of. The event took place in the year 1861, and its epitaph is, "Died of Secession"—for the Democratic Party was the father of secession. And there is one thing which still survives—one thing which, though trampled down, deep in the bloody mire of the battle-field, still comes up, ever and anon, like the serpent's teeth, which sown in the ground, produced a crop of armed men—and that one thing which comes back now and then to disturb this upper air, is the offspring of the Democratic Party—Secession. That is the life and vitality, as it were, of their party, and it

constantly comes up in their utterances and crops out in their proceedings; and if we in the North begin to elect Secession Governors, it will surely come to life again. (Applause.)

During the last week, while the Democratic Convention was in session here, making its nominations, Gen. David F. Douglass, sometime United States Marshal of the State of California, and in that Convention a delegate from the County of San Joaquin, arose and said: "Mr. President, we have been nominating men here that we did not know, and voting for them, and making them our candidates; now I have a name to present as a candidate for State Printer, and that is the name of Dan Gelwicks of El Dorado. We know him and we can trust him."

Now, fellow-citizens, I will tell you who Dan Gelwicks of El Dorado, the Democratic candidate for State Printer, is. In 1861, a Convention, called a Democratic Breckenridge Convention, was held in the City of Sacramento—a Convention which has since passed into history by the more appropriate name of "the Secession Convention." At that Convention was present a distinguished lawyer of San Francisco, now dead, who was then in the last stages of dissolution, the light of whose genius was burning low, and flickering spasmodically in the socket, all the elements being in the confusion of dissolution. This gentleman made a speech in that Convention, and I will tell you what he said. You will find the speech, as it was reported at the time, in the columns of the Sacramento *Daily Union* of July 27th, 1861; and before me, at the reporter's table, sits the phonographic reporter who made that report. That deceased gentleman said—I read from the concluding portion of his speech:

"For God's sake, gentlemen, tell me of battles fought and won. Tell me of the usurpers overthrown; that Missouri is again a free State, no longer crushed under the armed heel of a reckless and odious despot. Tell me that the State Maryland lives again. And, oh, gentlemen! let us read, let us hear, at the first moment, that not one hostile foot now treads the soil of Virginia.—[Applause and cheers.]"

David F. Douglass and Dan Gelwicks were there, and there was no signs of hissing or of any disapprobation, but "applause and cheers," in that Convention. He proceeds:

"If this be rebellion, then I am a rebel. Do you want a traitor? then am I a traitor. For God's sake speed the ball, may the lead go quick to his heart, and may our country be freed from this despot usurper that now claims the name of President of the United States.—[Cheers.]"

David F. Douglass and Dan. Gelwicks were there, and no doubt were cheering that speech. And nineteen of the men who were in that Convention were here last week, making nominations for the Democratic party. I will not read their names now, but, if any one wishes to verify the fact, he will find the list of delegates to that secession convention in the Sacramento *Union* of July 24th, 1861. (Applause.) Now, these young and inexperienced men, Hoge and Casserly, have been spoken of here by our friend Pixley as having been, in the beginning, for the war, but where are they now? Back again with those men who were howling for the assassination of President Lincoln, (applause,) supporting this man who puts up Dan. Gelwicks for State Printer, because, as he says, "we know Dan. Gelwicks, and we can trust him."

Now, gentlemen, large things overshadow small things—the mountain always dwarfs the mole-hill. When we look at the events of history, it is not the small things that attract our attention, but the large. In the history of the French Revolution, the mind does not dwell upon those who were but small, weak men, but rather upon Robespierre, who sent his eighty innocent people to the guillotine every morning; upon Danton, who stained the banner of a good and great cause with the blood of a murdered king; or upon Murat, who clamored for a hundred thousand human heads as a holocaust. And so, when the Democracy of this State came forward and put up such men as David F. Douglass and Dan. Gelwicks as their standard-bearers; upon their banner, disguise it as they may, cover it as they will with the Stars and Stripes, I can see nothing but the foul black emblems of piracy, of treason, of secession. (Applause.) I can hear nothing from the lips of these standard-bearers but cheers for McClellan, the greatest and most successful general the South ever had, (Laughter,) and their howl for the blood of Abraham Lincoln, as they pursued him with hyena yells, four years before a drop of that precious blood was shed. (Cheers.)

On the other hand, when I see the banner of the Union once more advanced, in the thick of the fight, I do not think of Gorham, nor of any man on the ticket; but I think of the Union cause, and of its ultimate triumph under that banner; because, fellow-citizens, this battle for the Union has not yet been fought out, and it must be fought out under the reconstruction policy of Congress. (Cheers and applause.)

But, fellow-citizens, I am not forgetful of this fact—that every stab aimed at George C. Gorham is a stab at our flag, a stab at our cause, a stab at human freedom. (Applause.) Before we can go back—as backward we must go, to take up with this Democratic platform and revive this old Democratic party—what must we do? Let McClellan bring back his thousands of Union dead from the swamps of the Chickahominy; let Andersonville prison and graveyard give up its other thousands of dead; collect the bones of half a million of martyred patriots scattered from Gettysburg to New Orleans; then we might be placed back where we were before the war, and then might they talk of putting the shackles back upon the limbs of four millions of human beings, now free. Shall we give up that grand idea for which we fought—for which it was tauntingly thrown in our faces by foreigners that we fought as a mere idea—the great idea, almost happily realized, that over all this broad continent shall be but one great Republic of freemen, administered by one great Government of homogeneous freemen, undisturbed by the great evil of negro slavery, and undisturbed by the minor pestilence of the Democratic party? (Cheers and laughter.) And when this Union banner of

ours floats in triumph, as it surely will, on teh evening of the election, we will send a dispatch announcing words of good cheer across the continent, not alone that George C. Gorham and the whole Union ticket has been elected, but this other message—and as the lightning takes it, let it speak in thunder, crashing across the Sierras and reverberating over every hill and through every valley of our great and free country—"California and the Union, now and forever, one and inseperable." (Great cheering.)

The band played "Hail Columbia."

Speech of M. C. Briggs.

Rev. M. C. Briggs was introduced, and said:

Fellow-Citizens: It is not in accordance with my own views of strict justice that I have any part in detaining you in this posture another moment. I was brought back here by a writ of *habeas corpus* from your President, when I was about to leave on account of the lateness of the hour; but, if you will be patient, it will grow early in a little while. I understand there are only sixteen or seventeen more speeches to be made before the meeting can adjourn in good order, (merriment,) and I can convince you in about eight minutes—and I will not exceed that limit of time—that I have good reasons for feeling it my duty, as a good citizen and a radical republican, to vote for the nominees of the Union Convention. (Applause) That is the only purpose of my speech.

A gentleman said to me, just after the primary elections, those unlucky elections, in which only half of us did our duty—I did mine like a man, if you will allow me to say it, and take credit at least for that—this gentleman said to me: "If these Democrats are wise, they will whip us, as sure as fate." I said in reply: "You have put in the saving clause, for they are incurably foolish, and they will save us by their own madness." And as soon as their platform came out, I was convinced of the wisdom of that rather hasty remark of mine. There are two ways in which a platform may save a party. One is by holding it handsomely afloat, and the other is by sinking the enemy. Now, it was a question whether our platform would hold us afloat. Some thought it was water-soaked, and these were honest men; and though I did not sympathize with them wholly in that, yet I could wish that we had struck more to the quick of human nature in that platform; that we had shown a holier, more pervading trust in the fundamental principles of manhood; because I know that the hearts of the people would have responded to that trust. I could have wished to see every plank more strongly defined, and every great living issue of to-day put unreservedly and emphatically into that platform, so that men might feel their hearts thrilled with the force of its great principles, and stimulated by its powerful appeals to patriotic motives and sentiments so that they would not feel merely that politicians were engaged in sham battles by moonshine—because the great mass of the people never care to amuse themselves much in that way. They want an earnest, honest fight upon great principles, and then they will carry the battle bravely through. (Applause.) But the platform is as we find it, and it is good as far as it goes; and now all I mean to say is this, that it is the other platform that saves us, with an assured and immortal salvation, and the moment this Democratic platform was brought to my view, I felt confident of approaching victory. (Applause.)

Now, I have this one thing to say, that if any man who has once been a Republican can subscribe to that Democratic platform, with a false profession of sincerity, he is too unworthy, and too unsound and unsafe to receive the votes of loyal, honest men, And I have this second thing to say, that if any man subscribes *honestly* to that platform, he is beyond all hope of political redemption in this world—I will say nothing of any hope I might cherish of his redemption in the other. (Applause.) His piety, however great, would have but little weight with my judgment, highly as I esteem and venerate the devotion to duty and to God, which that word implies, so long as he can pray for the success of those inhuman principles embodied in the Democratic platform. If Mr. Haight can stand upon that platform, honestly, it is so much the worse, because there is no leadership in the world so unspeakably dangerous, so incurably perilous to the cause of human liberty and progress, as that of the man who honestly subscribes to foul and false principles. A villain may be diverted from his purpose; you can possibly persuade and convince him who is acting dishonestly and deceitfully, or dissuade him from taking a false position. But if a man brings a perverted conscience and an unclouded understanding to the support of that which is radically and incurably immoral or erroneous—that, for example, which begs miserably for discriminating legislation in behalf of our boastful and self-confident white race against all others—there is no remedy, and I can give him no vote or voice while the world stands, God judging my conscience, and I holding myself governed by principles of patriotic and religious duty. (Applause.)

I have advised one man to vote for the Democratic nominee on the ground that he could do so very honestly, he being something of a scientific man and naturalist; because their candidate is something like one of those curiosities in natural history—one of those monstrous growths which have sometimes appeared, and are regarded as freaks and sports of nature in the vegetable and fruit-growing world. Therefore I said he ought to vote for him. (Laughter.) It is a case removed from and wholly unconnected with the ordinary principles and laws of human nature; it is a *lusus naturæ*. All other men who have changed at all under the bloody tuition of the war, have changed for the better, have become more helpful and progressive, have gone through the war striking in as Democrats and coming out as Republicans. And I believe this must be the only man in California, in the nation, or on the face of the globe—the only instance known—of one who began at the initiation of the war a Republican

and an advocate of human rights, went through the war backwards, and came out at the other end a confirmed Democrat, and hater of every noble principle of humanity. (Applause and laughter.)

Fellow-citizens, while I could wish that some things were different from what they are, yet this issue is forced upon me, and with this I close. I shall vote for the nominees of the Union Convention—for some of them with the greatest heartiness, for many, aye, and for most who are on the ticket. And I certainly shall not, by omitting to vote for any Union candidate, or by refusing to vote at all, throw one vote more in favor of the Democratic nominees. (Applause.) I hold that any man who is guilty of venal voting, ought to be disfranchised; and next, in my judgment, to the crime of venal voting is the refusal to vote when a man is called upon to do a citizen's duty. (Applause.) I would put side by side the man who votes for money and the man who holds in his hand that right, for which millions of men are ready to die, and yet declines to use it, and thus indirectly casts his suffrage in opposition to every principle for which we have fought through this war—every sacred principle dear to the patriotic heart. (Applause.)

Ladies and Gentlemen, I keep my promise by closing in eight minutes.

The band played "The Star Spangled Banner."

Speech of Judge Tyler.

Hon. G. W. Tyler was next introduced. He spoke as follows:

Mr. President, Fellow-Citizens: You are all aware of the fact that I was one of the contesting delegation from San Francisco, at the State Convention; you are also aware of the scenes which occurred here at the time of the Convention held in this city, and you know the reason why that delegation was elected. To say to you, to-night, that Mr. Gorham was my choice for Governor, in the first instance, would not be to state the fact. Not but that I believe Mr. Gorham to be a high-minded, honorable man—a man in every way well qualified to fill the position of Chief Magistrate of this State, but because I had looked upon him as a young man who could afford to wait, and I thought there were other men—my friend Pixley, for instance—who were better entitled than he to be elevated to the position of Governor of this State for the next four years. But, gentlemen, Mr. Gorham is now the nominee of the party, and we are called upon at this time to choose whether we will support him and carry the Union standard onward to victory, or whether we will lay it down, trail it in the dust, and allow the men to succeed to power who have stood up in opposition to the Government and the war, and who have run this State in debt five millions of dollars, during the few years they were in power, and would run it in debt ten millions more in the next four years, if they could, for they are mighty hungry. (Applause and laughter.) The question is, whether we shall allow those men to come in, or shall let the Union party remain in power; and upon that question, gentlemen, I have no choice. I stand by the Union party and its nominations. (Cheers.)

[Here the speaker made a statement of facts designed to correct certain errors of the press, relative to occurrences in the Union State Convention. He concluded his speech as follows:]

Now, gentlemen, I say to you to-night, that if I have any political difference or difficulty in the Union party, I will fight it out within the Union lines. (Applause.) Mr. Pixley has alluded, in eloquent terms of commendation, to those who were the early friends of the Republican cause, and I may safely say to you, and I take pride in saying it, that I was at the cradling of the Union party, for I helped to form the Union organization in San Joaquin county, in 1861. In 1860, the Democracy had in that county over thirteen hundred majority, and in 1861 the Union party had an average majority of four hundred and fifty-two. And that, I believe, was the first Union organization separate and apart from the other old parties, that was ever organized in this State, or in the United States. (Applause.) I had the honor, as I have said, to aid in the organization of that party, and I had the honor to stump that county for it, and you know the result. And, gentlemen, this party is only five years old—this glorious party that has redeemed California from the rule of those "chivalry" men, I trust, for ever. And shall this party, only five years old, die? Then I say to you that fifty thousand Union men in the Golden State shall know the reason why. (Cheers and applause.)

The band performed the soul-stirring, national air, "Yankee Doodle."

Speech of Senator Stowart.

The Hon. William M. Stewart, United States Senator from Nevada, having just arrived from Sacramento, came upon the platform, and being universally called upon, was introduced and greeted with three cheers. He addressed the meeting as follows:

Mr. President Ladies and Gentlemen: This does not look much like a Democratic meeting. (Laughter.) I think the Democracy have spoken before their turn, for I do not believe that California has yet come to the conclusion that she will turn rebel, that she will mar or stain the bright record she has already made, that she will repudiate the Union cause, that she will become an enemy to the twenty millions of loyal men in the loyal north, who have stood by her, who cherish as well they may, the memory of her great liberality, her generosity, her sympathy. I do not believe that California, is going to blot the proud record she has made during this war, in contributing to the support of the cause of Union and liberty. (Applause.)

I have been told that California is going Dem-

ocratic, that she has come to the conclusion to repudiate the brave soldiers who fought for Union and liberty, that she is ready to repudiate Abraham Lincoln, that she is going to repudiate the Congress of the United States, that she is now about to return to the old Democratic party, and restore the men of that party to power and place. I did not believe it, and I do not believe it. And if there be any who are skeptical on that question, if there be any that doubt as to how California feels, they need only to go among the people, and see what I have seen for the last few days—see the loyal sentiment that underlies the whole fabric of society, see the determination and the will manifested to carry out that sentiment—to be convinced. (Applause.)

Why, fellow-citizens, there always is, in all nominating conventions more or less of dissatisfaction. Mr. Bidwell failed, but it was not the fault of the Union party that he failed, provided they wanted him. If they gave him their votes, and he could not use them, that was some evidence that he had not the ability to succeed. On the other hand, if they did not give him their votes, then they did not want him to succeed. In either case it is not material, for the great question is, not whether you shall have A, B or C, for Governor, but whether you shall have a Union victory this fall—whether or not you shall stand in line. That is the all important question. (Applause.) I wish I could impress upon you what I feel in regard to the importance of a Union victory in California this fall. In the first place the Pacific coast is interested, and that is one reason why I appear here to night. It is for the Union cause, and for the Pacific coast. I have no interest in A B or C—in Bidwell or in Gorham—personally; my only interest is in the Union cause. The Pacific coast must stand or fall together. If California leads the forlorn hope of the rebels—and this Democratic platform is nothing but a rebel platform—if California leads that forlorn hope, against her friends in the East, the Pacific coast can expect no more favors from those friends. We can expect no more encouragement of our material interests. Look at the liberal legislation of Congress in our behalf; look at the favors we have already received! See the energy with which the Great Pacific Railroad has been pushed forward; see the establishment of your China line of steamers, see the liberality of Congress in donating lands on this coost; see the universal generosity of sentiment that has characterized the Government in all its acts respecting this coast. Why has this been? Because every man at the East feels that here on the Pacific coast is building up a Republic, an Empire dedicated to liberty and Union. (Applause.) It is because from here they have heard only the clarion notes of patriotism; because from here they have received material aid in the time of the great national struggle. (Applause.) They sympathize with you because they believe you sympathize with them. Are you prepared now to declare that you have transferred your sympathies to their enemies? Are you prepared to insult the graves of six hundred thousand martyred Union soldiers? Are you prepared to shirk the burdens which your fellow-citizens bear in the east? Are you prepared to blight their hopes when they predicate so much upon the Pacific coast, their cherished hope of this great national empire, their hope of freedom? They desire to cherish you, and make you great, prosperous, mighty; are you prepared, for little petty considerations, to join hands with the rebels? And for what, fellow-citizens—for what? To enable them to re-establish some portion of the ruined and destroyed institution of slavery; to allow them to drive from their midst loyal men; to allow them to reduce to peonage the negroes whom we promised to make free. When it became a military necessity we promised to liberate the slaves of the south; now do you wish to join with the rebels in re-enslaving them in violation of the nation's solemn pledge? And especially, are you ready to join with the rebels in carrying out their purpose of expatriating loyal men in the South, who fought under the flag of the Union with the promise that they should be protected? Are you prepared to lay down the sceptre of power and allow it to be grasped and wielded by the rebels? Think you they are safer rulers than those leaders whom you have trusted during the war? Would you rather trust Lee and Beauregard than Grant and Sherman? (Cheers.) That is the question which you are to answer. (Applause.)

This Democratic platform proposes that the southern States shall be restored with all their rights, and it declares that they have held those rights from the foundation of the Covernment. They hold that the south had lost no rights by rebellion, that a rebel is just as much entitled to the protection of the constitution and the laws as a Union man, and that we must treat them with all kindness and consideration. We propose to treat them with kindness, fellow-citizens, but with justice. (Applause.) Congress has laid down the platform of universal justice, universal liberty, protection to every man, everywhere in this broad land. That platform has been boldly and broadly announced, and it remains for you to vindicate and sustain it—will you do it? (Cheers and applause.) The declarations of Congress amount to nothing without your sanction and indorsement; shall they have your approval? ("Yes, yes;" applause.)

I have no time this evening to discuss the policy of Congress in detail, nor is it necessary, for you understand it already. And I think you must understand that if California goes for the Democratic party, it will be regarded as a reaction. The President of the United States has another way of restoring the Union of this country. He proposes to let the rebels have the principal charge of that work; to let them lead in the matter. And several of the rebels and several copperheads quite agree with him in opinion. [Laughter.] They say the northern people did not mean to establish universal justice, liberty, equality and protection—that all the time they have not been in

earnest about it. Some of the rebels came to the conclusion that we did mean it, from the elections two years ago, when we rolled up larger majorities than ever before; and when we passed the reconstruction measures, they were being acquiesced in all over the country, as the conclusion and verdict of the war. Then Connecticut was lost, through a piece of strategy and went against us by a few hundred majority —twelve or fifteen hundred I believe—and that was a change which came very near stopping the whole system of reconstruction. But that was explained, and Lee and Longstreet said it was not an indication; and so the South went on complying to some extent, or showing a disposition to comply, with the Reconstruction Bills, designed by Congress to give us peace and harmony at once. But now, if California after giving nineteen thousand Union majority at the last election—I think that was the figure, or perhaps nearer twenty thousand—if California shall now retrace her steps, and reverse her former glorious decision, every rebel heart will rejoice, and victory to them will seem certain. Congress will be repudiated and the President sustained, and by the opposition of the rebel states in the south, and the disloyal States in the north, of which California will then be one, reconstruction must be stopped, and the long struggle must be renewed?

If you want peace show that you are in earnest in your demands, and enforce them at the ballot box. (Applause.) Drop all your minor difficulties and disputes, and declare for right and justice throughout the land. Stand by Congress, and by your former professions. (Cheers.) I cannot discuss this matter at length to-night, but I tell you that this is the grand issue. There is more at stake now than there ever was before. If you stand by the principles which you have vindicated with the sword, if you stand by the principles which Congress has enunciated, and stand by your Congress, you will have peace. But if you go over to the enemy, if the rebels are reinforced by the defection of the Golden State, they will become strong, arrogant and active again, and the war must be fought over; there is no help for it. (Applause.) California almost holds in her hands the destiny of the nation. Shall it be peace, or shall it be war? That we will ultimately protect every man, high or low, that we will establish equality before the law, that we will vindicate the Declaration of American Independence, that the American people mean to realize the blessings of universal freedom and justice, won by their arms in the late terrible struggle, there can be no doubt. (Applause.) Though you may lead the forlorn hope for the rebellion, and thus send a pang to every loyal heart throughout the land, yet I tell you that the Union party, the party that loved and saved this country, the party that fought under that proud flag and vindicated the nation's honor and glory, must and will be finally triumphant. (Great cheering.) You can prolong the struggle; you can alienate your friends, you can cause millions to mourn, but neither you nor I, nor this whole Pacific coast, can stay the advancing tide of progress. It must proceed. Liberty and Union, equal rights to all, is the verdict of this war, and that verdict twenty millions of freemen in the loyal States have rendered in thunder tones, and sealed it with their blood, and it *shall* be realized for them and their posterity. (Cheers.)

I beseech you, as Americans, as patriots, as people of the Pacific coast, look not back! You that have put your hands to the plow, stand by it until the whole field is plowed—until a Union man can speak his sentiments anywhere in the broad land, and be protected by the flag of our country. (Applause.) Let that flag be everywhere honorable and honored, and let justice be everywhere done; and when the rebels can do justice, let them receive mercy and forgiveness, and not till then. [Cheers.]

Why, fellow-citizens, you have not come to the conclusion, I trust, that it is time for you to turn Democrats! you are grown up men, and not children, and you know that if you turn Democrats you have nothing to gain by it, for, as I said on another occasion, the last Democrat has been born. [Applause.] There are no more to come. The Democratic party thought it had a right to rule by some royal prerogative, but that it is all a mistake. You find that all the boys train in Union companies, and grow up Union men. (Applause.) In Pennsylvania at the last election they said they had all the employees of the Government, and they counted up twelve thousand as the number of voters in the Government employ, whom they could absolutely control. I inquired how long it had been since the previous election, and they said two years. Then said I, "How many young men come of age in your State each year? They replied from eight to twelve thousand, or say about an average of ten thousand. "Then," said I, "that is twenty thousand in the two years, and you will have an increased Union majority; they may take those they have bought, and we will take those that have grown." (Applause.) And so the result was. All the boys voted the Union ticket except a few whose fathers made them go to the polls and vote as they wanted—and there are very few boys who can be controlled to that extent by their fathers, at that age. [Applause.]

Why, how was it after the war of the Revolution? One-third or one-fourth, at least, of the colonists were opposed to the war; but in thirty years from its close, they had not a child living who would acknowledge it. You could find plenty whose fathers were captains, majors or generals, but they were all descended from that side that fought for their country. [Applause and laughter.] So it was in the last war with Great Britain. That was very unpopular at first, and some of our greatest men opposed it. There was a noted Hartford Convention assembled in opposition to it. But a generation afterwards, there was not a man left opposed to it, and not one who would own that his father had been opposed to it. It was just the same with our Mexican war. Although it resulted in the conquest of this coast, yet it was opposed by many for having been inaugurated in the

interest of slavery. But where is the party now arrayed against the Mexican war? Such is the history of the opposition to all the wars we have had; and how think you it will be in regard to this great war for Union and liberty, the war for the integrity of the greatest country, and the preservation of the noblest goverment, that ever blessed mankind (applause); a war for the perpetuation of a Government embracing under its flag thirty millions of freemen; a country that allows of the development of all classes of men; that brings the lowly up to the level of the high; that educates the people; that makes every man a sovereign; that causes every man to respect himself, and compels every man to be just to his neighbor; that develops the highest civilization, and reflects its benign influence upon the nations of Europe and all the world (cheers); a war to maintain that country that makes us free and great, the home of the oppressed, the asylum for the down-trodden of all the nations of the earth—how will it be in the future with the memory of those who sustained such a war, and how will it be with the memory of the traitors who sought to destroy this great Government, upon which rest the hopes of mankind? Think you that these traitors will leave any posterity? Think you that any party made up of them can ever gain ascendancy in our country? I tell you, fellow citizens, that when Lee delivered up his sword to Grant, the Democratic party surrendered, and they are fighting us to-day in violation of their parol of honor. (Cheers.)

Remembering that we are of the hosts of Union and liberty; remembering that we are fighting for right and justice, and for the redemption of the solemn pledges we have made that this land shall be free; we, the favored sons of the republic, who have received more benefits from this great Government than anybody else; we, who can ask and receive the most generous bounty of our great country; we, whose patriotism and loyalty have been well appreciated and rewarded; is it possible—in view of the fact that the Democratic party is fighting for the rebellion still, in violatiou of every principle of right and justice—is it possible that we can afford to tarnish our bright record, and join with them in their unholy purposes? I think not! I think not! (Cheers.)

I do not believe that any illiberal disagreement about particular candidates, or other minor considerations, can make any man who loves his country, who loves posterity, who believes in truth and justice, who believes in Union and liberty, forsake the flag and join the enemy. (Applause.) Suppose that every Union soldier who was dissatisfied during this war had deserted to the enemy. No doubt there was much of hardship, and even of injustice, in the army—that was unavoidable—and suppose that every man who thought himself aggrieved at any time had gone over to the enemy, where would this country have been to-day? Fellow citizens, you will not join the Democratic party; you will not join the enemy; you will stand by the Union; you will bury your differences, and keep the escutcheon of California clear. And at the approaching election you will achieve a glorious victory, and thereby gladden the hearts of millions of loyal men throughout this broad land. (Enthusiastic cheers.)

The band played "Marching through Georgia."

The President announced that since the meeting had been called to order, the following letters and telegrams had been received.

Letter from C. B. Denio.

VALLEJO, June 22, 1867.

Gentlemen:—I am in receipt of your note of the 20th, inviting me to be present at your ratification meeting, to be held on the 25th in San Francisco. You will please accept my thanks for your polite invitation, and allow me to say that it would afford me great pleasure to join you and my fellow citizens of San Francisco in ratifying the nomination of George C. Gorham and those associated with him on our State ticket: and if I can I will do so, I fear, however, that circumstances beyond my control will prevent. You may say, however, that we have *all* ratified the nominations, and feel confident that, with Mr. Gorham as our standard bearer, our glorious old Union banner will be borne in triumph through the coming campaign. The men as well as the boys here have ratified his nomination; indeed, I do not know of more than two or three in Vallejo who have not, and they were delegates to the Democratic State Convention just held in your city and they expect to ratify Mr. Gorham's election in September.

You may put Solano county down as perfectly reliable for the entire Union ticket.

I am, very respectfully, your ob't serv't,

C. B. DENIO.

Letter from W. H. L. Barnes.

June 21, 1867.

Hon. H. J. Tilden, Esq., Chairman of the State Central Committee, San Francisco,—Dear Sir: I have your note of the 20th instant, inviting me to be present and speak at the proposed Grand Ratification Meeting of the Union Party, on Tuesday evening next.

I heartily support the nominees of the Sacramento Convention. I believe it to be the clear duty of every Union man to do what he may towards a long pull and a strong pull and a pull alltogether, during the approaching canvass and at the polls; nor can I discern either pure motives, or anything save certain mischief and evil in the counsels of those who uselessly seek now to weaken, by dividing, the hitherto resistless unit of the loyal people of this State.

I have considered my own duty, by the aid of such light as my brief personal observation in the State supplies. Especially have I regarded it from the stand point taken by certain influential, and heretofore powerful public journals, in the interest of good government, which oppose the present nominees of our party.

I cannot agree with them, that because all the successful candidates for State offices are not wholly acceptable, or because a favorite has failed to win, it is either feasible or politic to surrender the State to that party which was the deadly foe of our triumphant Government during the late rebellion, and still is at war with all its principles, policy and progress.

As to Mr. Gorham, I have only to say that his private character is above reproach, his intelligence and sagacity remarkable, and he is altogether made of as good stuff as any Governor this State has ever had. I am willing to stand upon his honesty and capacity. Though some one or more of the candidates may not have been my preference, I feel bound to support and aid by my single vote all the nominees of the Union Party, in the present as in all other cases. I shall do so.

I am compelled to decline speaking at the meeting on Tuesday, and only write thus much, because, in so doing, I do not wish to be misunderstood.

Yours truly, etc., WM. H. L. BARNES.

Letter from Joseph S Wallis.

JACKSON, June 22, 1867.

To George C. Gorham, Esq., San Francisco—MY DEAR SIR:—I sincerely regret my inability to attend the ratification meeting to be held in your city Tuesday evening next. Business engagements will prevent being with you,

I am pleased to see the watch-fires kindling, and a spirit of conciliation and harmony pervading the ranks of the Union party. We must be united in this contest, and battle with a fearless front, unwaveringly and devotedly, for the great and living principles of freedom, equality and humanity.

Let no man whose heart pulsates with loyalty, and who has been allied to the great party of progress during our country's peril, hesitate nor falter for a moment, but give his undivided and earnest support to the entire State ticket. He who holds back and encourages defeat will prove a traitor to his party and its principles. It is principle, not men, we are now contesting for. It is a momentous issue for our State and no true lover of his country can in the least cooperate with those who seek the destruction of the Union party. God forbid that the Democracy of today should obtain control of our State Government. Let the hand of him who indites a word for the dismemberment of the Union party be palsied—may his tongue cleave unto the roof of his mouth who uttereth it when written, or who casts his vote to aid and encourage treason and its votaries.

Fully endorsing the nominations, I am ready and determined to give my aid in their support. Since the nominations have been made, I have not for a moment hesitated as to the course I would pursue.

Again I repeat, let us be as a party united, and a glorious triumph awaits us at the polls in September next.

With sentiments of esteem, I am, yours very truly, in the cause of freedom and human progress.

JOSEPH S. WALLIS.

Telegram from Governor Blasdel, of Nevada.

CARSON, June 24, 1867.

To H. J. Tilden, Chairman Union State Central Committee:—I have seen with deep regret the dejection existing in the Union party in your State, and considering the approaching political contest of national importance, I most respectfully urge all men who, during the nation's imminent peril, were true to the principles of liberty, justice and equality, to remain united and firm, giving the Union ticket earnest and undivided support. H. G. BLASDEL.

Telegram from Governor Wood, of Oregon.

SALEM, (Oregon,) June 25, 1867.

To Chairman Union State Central Committee:—Urge the party to indorse the ticket. Unite, and you triumph; divide, and defeat is certain.

GEORGE L. WOODS.

Telegram from State Officers of Nevada.

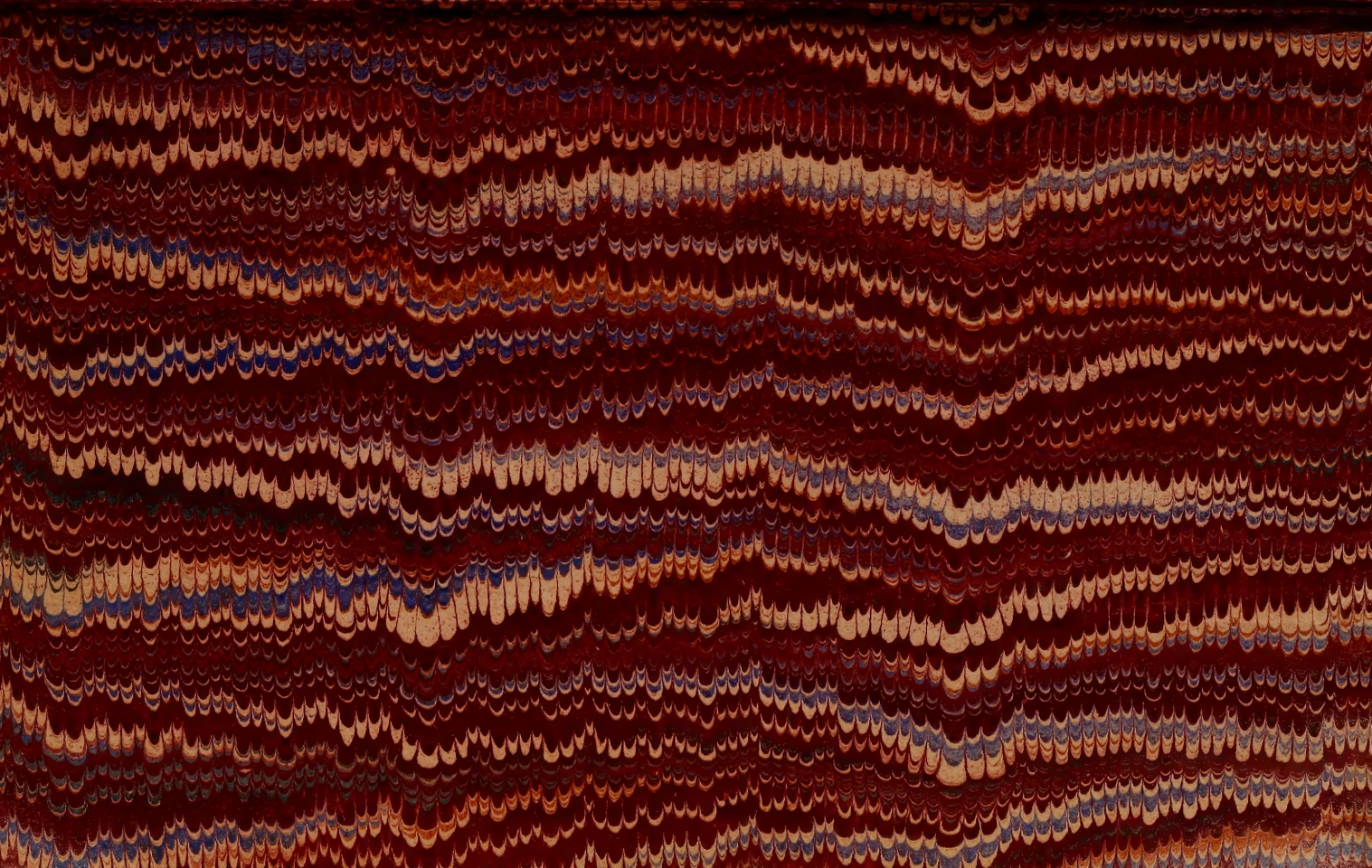
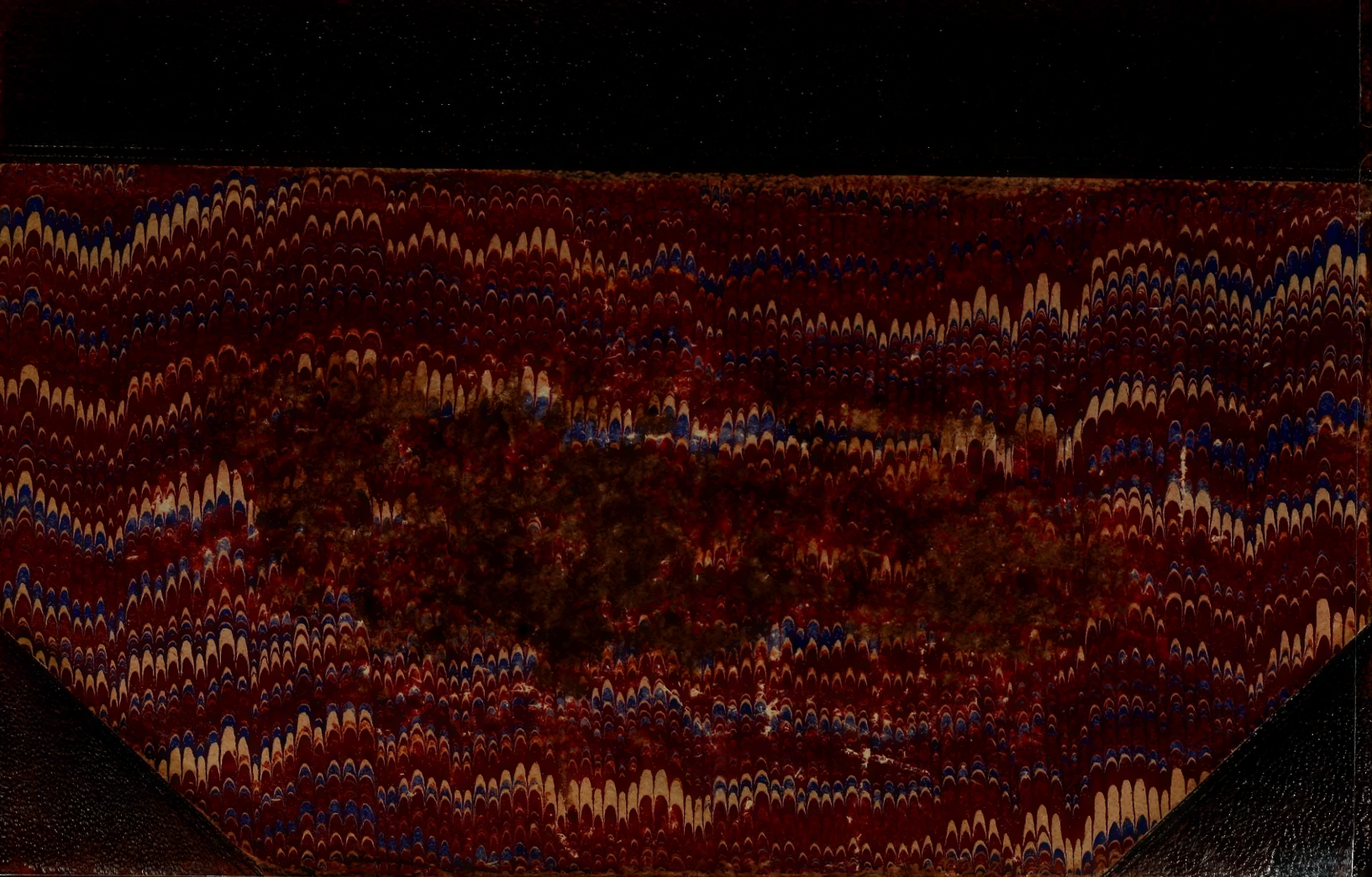
CARSON, June 25, 1867.

To H. J. Tilden, Chairman of the Union State Central Committee of California:—We earnestly urge the Union party of California to stand by the nominees of its late Convention. Let a bold front be presented to the enemy in September next.

J. F. LEWIS, Justice Supreme Court.
J. NEELY JOHNSON, Justice Supreme Court.
ALFRED HELM, Clerk of the Supreme Court.
ROBT. M. CLARKE, Attorney General.
W. K. PARKINSON, State Controller.

Telegram from Ex-Governor Leland Stanford.

SACRAMENTO, June 24, 1867.

To H. J. Tilden, Chairman of the Union State Central Committee:—Owing to a press of business engagements I cannot be present at the Union Ratification Meeting to-morrow evening. In a national point of view, there is but one question: Shall the voice of California, with all its influence on the Pacific coast, be thrown in favor of the loyal men of the country reconstructing it and putting it upon a safe basis, or shall her voice be thrown in favor of the disloyal? If there is a division of the Union party of the State, one party may not succeed without the other. There is no safe course for loyal men but to support the Union State ticket. LELAND STANFORD.

On motion, the resolutions offered at the opening of the meeting were adopted unanimously; and then, at half past eleven o'clock, with rousing cheers for the ticket and the Union cause, and with more patriotic music from the band in attendance, the immense assemblage dissolved.